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ELECTION LAWS

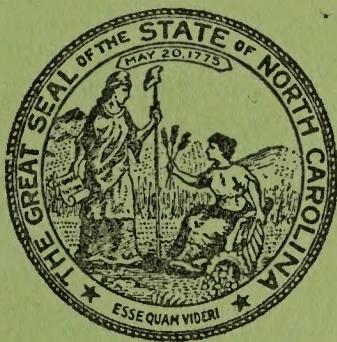
OF THE

State of North Carolina

1967-1968

AND

ARTICLE VI OF STATE CONSTITUTION



(As Recodified by Chapter 775 Session Laws 1967)

Compiled by
THE STATE BOARD OF ELECTIONS
Raleigh, N. C.



CONTENTS

CHAPTER 163 — ELECTIONS AND ELECTION LAWS

	Page
Subch. I. Time of Primaries and Elections	9
Art. 1. Time of Primaries and Elections	9
§ 163-1. Time of regular elections and primaries	9
§ 163-2. Hours of primaries and elections	14
Art. 2. Time of Elections to Fill Vacancies	14
§ 163-8. Filling vacancies in State Executive offices	14
§ 163-9. Filling vacancies in State and district judicial offices	14
§ 163-10. Filling vacancy in office of solicitor	15
§ 163-11. Filling vacancy in the General Assembly	15
§ 163-12. Filling vacancy in United States Senate	15
§ 163-13. Filling vacancy in United States House of Representatives	15
Subch. II. Election Officers	16
Art. 3. State Board of Elections	16
§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office	16
§ 163-20. Meetings of Board; quorum; minutes	16
§ 163-21. Compensation of Board members	16
§ 163-22. Powers and duties of State Board of Elections	17
§ 163-23. Powers of chairman in execution of Board duties	18
§ 163-24. Power of State Board to maintain order	18
Art. 4. County Board of Elections	18
§ 163-30. County boards of elections; appointments; term of office; qualifications; vacancies; oath of office	18
§ 163-31. Meetings of county boards of elections; quorum; minutes	19
§ 163-32. Compensation of members of county boards of elections	19
§ 163-33. Powers and duties of county boards of elections	20
§ 163-34. Power of county boards of elections to maintain order	20
§ 163-35. Executive secretary to county board of elections in county having full-time and permanent registration	21
Art. 5. Precinct Election Officials	21
§ 163-41. Precinct registrars and judges of election; special registration commissioners; appointment; terms of office; qualifications; vacancies; oaths of office	21

	Page
§ 163-42. Assistants at polls; appointment; term of office; qualifications; oath of office	23
§ 163-43. Ballot counters; appointment; qualifications; oath of office	23
§ 163-44. Markers for general elections; appointment; qualifications; oath of office	24
§ 163-45. Watchers; appointment	24
§ 163-46. Compensation of precinct officials and assistants	25
§ 163-47. Powers and duties of registrars and judges of election	25
§ 163-48. Maintenance of order at place of registration and voting	26
 Subch. III. Qualifying to Vote	 27
Art. 6. Qualifications of Voters	27
§ 163-54. Registration a prerequisite to voting	27
§ 163-55. Qualifications to vote; exclusion from electoral franchise	27
§ 163-56. State residence requirement shortened for presidential elections	27
§ 163-57. Residence defined for registration and voting	27
§ 163-58. Literacy	28
§ 163-59. Right to participate or vote in party primary	28
 Art. 7. Registration of Voters	 28
§ 163-65. Registration books and records	28
§ 163-66. Custody of registration records and poll books; access; obtaining copies	29
§ 163-67. Time and place for registration	30
§ 163-68. Registration of persons expecting to be absent during registration period	31
§ 163-69. Permanent registration	32
§ 163-70. Registrar to certify number registered in precinct	32
§ 163-71. Municipal corporations authorized to use county registration records	32
§ 163-72. Registration procedure; oath	33
§ 163-73. Registration and voting of new residents in presidential elections	34
§ 163-74. Record of political party affiliation; changing recorded affiliation; correcting erroneous record	35
§ 163-75. Appeal from denial of registration	37
§ 163-76. Hearing on appeal before county board of elections	37
§ 163-77. Appeal from county board of elections to superior court	37
§ 163-78. New registrations; registration when books mutilated or destroyed; revisions of registration books	37

	Page
Art. 8. Challenges	39
§ 163-84. Right to challenge; to whom challenge made	39
§ 163-85. Special times for challenge; challenge procedure; notice of hearing	39
§ 163-86. Hearing on challenge made prior to primary or election day	40
§ 163-87. Challenges allowed on day of primary or election	41
§ 163-88. Hearing on challenge made on day of primary or election	41
§ 163-89. Procedure for challenging absentee ballot and presidential ballot of new resident voter; right to appeal	42
§ 163-90. Challenge as felon; answer not to be used on prosecution	42
 Subch. IV. Political Parties	 43
Art. 9. Political Party Definition	43
§ 163-96. Political party defined; creation of new party	43
§ 163-97. Termination of status as political party	44
§ 163-98. General election participation by new political party	44
 Subch. V. Nomination of Candidates	 45
Art. 10. Primary Elections	45
§ 163-104. Primaries governed by general election laws; authority of State Board of Elections to modify time schedule	45
§ 163-105. Payment of expense of conducting primary elections	45
§ 163-106. Notices of candidacy; pledge; with whom filed; date for filing; withdrawal	45
§ 163-107. Filing fees required of candidates in primary; refunds	47
§ 163-108. Certification of notices of candidacy	49
§ 163-109. Primary ballots; printing and distribution	49
§ 163-110. Sole candidate declared nominee	50
§ 163-111. Determination of primary results; second primaries	51
§ 163-112. Death of candidate before primary; filling vacancy	53
§ 163-113. Nominee's right to withdraw as candidate	53
§ 163-114. Filling vacancies among party nominees occurring after nomination and before election	53
§ 163-115. Special provisions for obtaining nominations when vacancies occur in certain offices	54
§ 163-116. Agreements for rotation of candidates in senatorial districts of more than one county	54
§ 163-117. Numbered Seats	55
§ 163-118. Numbers assigned to Senate and House seats to be designated by State Board of Elections	55
 Art. 11. Nomination by Petition	 55
§ 163-122. Independent candidates nominated by petition	55

	Page
Subch. VI. Conduct of Primaries and Elections	56
Art. 12. Precincts and Voting Places	56
§ 163-128. Election precincts and voting places established or altered	56
§ 163-129. Structure at voting place; marking off limits of voting place	56
Art. 13. General Instructions	56
§ 163-135. Applicability of article	56
§ 163-136. Preparation, distribution, and financing of ballots	57
§ 163-137. General and special election ballots; names and questions to be printed thereon; distribution	57
§ 163-138. Instructions for printing names on primary and election ballots	57
§ 163-139. Reprinting ballots when substitute candidate is named	58
§ 163-140. Kinds of ballots; what they shall contain; arrangement	58
§ 163-141. Sample ballots	63
§ 163-142. Number of ballots to be furnished each voting place; packaging; date of delivery; receipt for ballots; account- ing for ballots	63
§ 163-143. Ballot boxes to be furnished each voting place; date of delivery; receipt for boxes	64
§ 163-144. Lost, destroyed, damaged, and stolen ballots; replace- ment; report	64
§ 163-145. Voting booths; description; provision	64
§ 163-146. Voting enclosure at voting place; furnishings; arrange- ment	64
§ 163-147. No loitering or electioneering allowed within fifty feet of voting place	65
§ 163-148. Procedures at voting place before polls are opened	65
§ 163-149. Protection of ballots, ballot boxes, poll book, and regis- tration records on day of primary election	65
§ 163-150. Voting procedures	66
§ 163-151. Method of marking ballots in primary and election	67
§ 163-152. Assistance to voters in primaries and elections	68
§ 163-153. Access to voting enclosure	70
§ 163-154. Posting lists of civilian and military absentee voters and new resident presidential election voters	71
Art. 14. Voting Machines	71
§ 163-160. Voting machines; approval; rules and regulations	71
§ 163-161. Adoption of voting machines by county or municipality	72
§ 163-162. Use of paper ballots where voting machines used	73

	Page
Art. 15. Counting Ballots, Canvassing Votes, and Certifying Results in Precinct and County -----	73
§ 163-168. Proceedings when polls are closed -----	73
§ 163-169. Counting ballots at precinct; unofficial report of precinct vote to county board of elections -----	73
§ 163-170. Rules for counting ballots -----	74
§ 163-171. Preservation of ballots; locking and sealing ballot boxes; signing certificates -----	75
§ 163-172. State Board of Elections to prepare and distribute abstract forms -----	76
§ 163-173. How precinct returns are to be made -----	76
§ 163-174. Registration and poll books to be returned to chairman of county board of elections -----	76
§ 163-175. County board of elections to canvass returns and declare results -----	76
§ 163-176. Preparation of original abstracts; where filed -----	77
§ 163-177. Disposition of duplicate abstracts -----	77
§ 163-178. Clerk of superior court to send statement of votes to Secretary of State -----	78
§ 163-179. Who declared elected by county board -----	78
§ 163-180. Chairman of county board of elections to furnish certificate of election -----	78
§ 163-181. Election contest stays certification of nomination or election -----	78
Art. 16. Canvass of Returns for Higher Offices and Preparation of State Abstracts -----	79
§ 163-187. State Board of Elections to canvass returns for higher offices -----	79
§ 163-188. Meeting of State Board of Elections to canvass returns of primary and election -----	79
§ 163-189. Meeting of State Board of Elections to canvass returns of a special election for United States Senator or Representative -----	79
§ 163-190. State Board of Elections may refer to ballot boxes to resolve doubts -----	79
§ 163-191. Contested primaries and elections; how tie broken -----	79
§ 163-192. State Board of Elections to prepare abstracts and declare results of primaries and elections -----	80
§ 163-193. Results of election certified to Secretary of State; certificates of election -----	81
§ 163-194. Governor to issue commissions to certain elected officials -----	81
§ 163-195. Secretary of State to record abstracts -----	81

	Page
Art. 17. Members of United States House of Representatives	81
§ 163-201. Congressional districts specified	81
§ 163-202. Election after reapportionment of members of House of Representatives	82
 Aft. 18. Presidential Electors	82
§ 163-208. Conduct of presidential election	82
§ 163-209. Names of presidential electors not printed on ballots	82
§ 163-210. Governor to proclaim results; casting State's vote for President and Vice-President	83
§ 163-211. Compensation of presidential electors	83
§ 163-212. Penalty for failure of presidential elector to attend and vote	83
 Art. 19. Petitions for Elections and Referenda	83
§ 163-218. Registration of notice of circulation of petition	83
§ 163-219. Petition void after one year from registration	83
§ 163-220. Limitation on petitions circulated prior to July 1, 1957	84
 Art. 20. Absentee Ballot	85
§ 163-226. Who may vote an absentee ballot	85
§ 163-227. Application for absentee ballots; forms of application	85
§ 163-228. Register of Absentee Ballot Applications and Ballots Issued; a public record	90
§ 163-229. Absentee ballots, container-return envelopes, and instruction sheets	90
§ 163-230. Consideration and approval of applications and issuance of absentee ballots	91
§ 163-231. Voting absentee ballots and transmitting them to chairman of the county board of elections	93
§ 163-232. Certified list of approved applications to be transmitted to State Board of Elections and posted; original applications to accompany list	94
§ 163-233. Lists of absentee ballots received; distribution; delivering executed absentee ballots to appropriate registrars	95
§ 163-234. Absentee ballots deemed voted upon delivery to registrar; opening container-return envelope and depositing ballots; rejected ballots	95
§ 163-235. Abesentee voting where voting machines used	96
§ 163-236. Violations by chairman of county board of elections	96
§ 163-237. Certain violations of absentee ballot law made criminal offenses	96

	Page
§ 163-238. Reports of violations to Attorney General and solicitors	97
§ 163-239. Article 21 relating to absentee voting by servicemen and certain civilians not applicable	97
Art. 21. Military Absentee Registration and Voting in Primary and General Elections	97
§ 163-245. Persons in armed forces, their wives, certain veterans, civilians working with armed forces, and members of Peace Corps may register and vote by mail	97
§ 163-246. Provisions of Article 20 applicable except as otherwise provided; State Board of Elections to adopt regulations	98
§ 163-247. Methods of applying for absentee ballots	98
§ 163-248. Register, ballots, container-return envelopes, and instruction sheets	99
§ 163-249. Consideration and approval of applications and issuance of absentee ballots	100
§ 163-250. Voting absentee ballots and transmitting them to chairman of county board of elections	102
§ 163-251. Certified list of approved military absentee ballot applications; record of ballots received; disposition of list; list constitutes registration	102
§ 163-252. Unlawful absentee voting in primary made misdemeanor	104
§ 163-253. Article inapplicable to persons after change of status; re-registration required	104
Subch. VIII. Criminal Offenses	105
Art. 22. Corrupt Practices and Other Offenses Against the Elective Franchise	105
§ 163-259. Definitions	105
§ 163-260. Detailed accounts to be kept by candidates and others	105
§ 163-261. Detailed accounting to candidates of persons receiving contributions	105
§ 163-262. Detailed accounting of persons making expenditures	105
§ 163-263. Statements under oath of pre-primary expenses of candidates; report after primary	106
§ 163-264. Contents of such statements	106
§ 163-265. Statements required of campaign committees covering more than one county; verification of statements required	107
§ 163-266. Failure to report contributions or expenditures made misdemeanor	107
§ 163-267. Secretary of State to report failure to file reports	107
§ 163-268. Secretary of State and superior court clerks to request reports; Attorney General and solicitors to prosecute	107

	Page
§ 163-269. Violations by corporations	108
§ 163-270. Using funds of insurance companies for political purposes	108
§ 163-271. Intimidation of voters by officers made misdemeanor	108
§ 163-272. Disposing of liquor at or near voting places	109
§ 163-273. Offenses of voters; interference with voters; penalty	109
§ 163-274. Certain acts declared misdemeanors	109
§ 163-275. Certain acts declared felonies	110
§ 163-276. Convicted officials; removal from office	111
§ 163-277. Compelling self-incriminating testimony; person so testifying excused from prosecution	112
§ 163-278. Duty of Attorney General and solicitors to prosecute violations of article	112

NORTH CAROLINA ELECTION LAWS

(Chapter 163, General Statutes as recodified by Chap. 775 as amended Session Laws of 1967)

SUBCHAPTER I.

TIME OF PRIMARIES AND ELECTIONS

ARTICLE 1.

TIME OF PRIMARIES AND ELECTIONS

§ 163-1. Time of regular elections and primaries.—(a) Unless otherwise provided by law, elections for the offices listed in the tabulation contained in this section shall be conducted in all election precincts of the territorial units specified in the column headed "Jurisdiction" on the dates indicated in the column headed "Date of Election." Unless otherwise provided by law, officers shall serve for the terms specified in the column headed "Term of Office."

(b) On the first Saturday in May preceding each general election to be held in November for the offices referred to in subsection (a) of this section, there shall be held in all election precincts within the territory for which the officers are to be elected a primary election for the purpose of nominating candidates for each political party in the State for those offices.

(c) On Tuesday next after the first Monday in November in the year 1968, and every four years thereafter, or on such days as the Congress of the United States shall direct, an election shall be held in all of the election precincts of the State for the election of electors of President and Vice President of the United States. The number of electors to be chosen shall be equal to the number of Senators and Representatives in Congress to which this State may be entitled. Presidential electors shall not be nominated by primary elections; instead, they shall be nominated in a State convention of each political party as defined in § 163-96 unless otherwise provided by the plan of organization of the political party. One presidential elector shall be nominated from each congressional district and two from the State at large. (1967-c. 1271-c. 1264)

Office	Jurisdiction	Date of Election	Term of Office
Governor	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Lieutenant Governor	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Secretary of State	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Auditor	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Treasurer	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Superintendent of Public Instruction	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Attorney General	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Commissioner of Agriculture	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Commissioner of Labor	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election

Office	Jurisdiction	Date of Election	Term of Office
Commissioner of Insurance	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
All other State officers whose terms last for four years	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
All other State officers whose terms are not specified by law	State	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years, from first day of January next after election
State Senator	Senatorial district	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years
Member of State House of Representatives	Representative district	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years
Justices of the Supreme Court	State	At the regular election for members of the General Assembly immediately preceding the termination of each regular term	Eight years, from first day of January next after election
Judges Court of Appeals	State	At the regular election for members of the General Assembly immediately preceding the termination of each regular term	Eight years, from first day of January next after election
Judges of the Superior Courts	State	At the regular election for members of the General Assembly immediately preceding the termination of each regular term	Eight years, from first day of January next after election

Office	Jurisdiction	Date of Election	Term of Office
Judges of the District Courts	District court district	At the regular election for members of the General Assembly immediately preceding the termination of each regular term	Four years, from the first Monday in December next after election
Solicitors	Solicitorial district	At the regular election for members of the General Assembly immediately preceding the termination of each regular term	Four years, from first day of January next after election
Members of House of Representatives of the Congress of the United States	Congressional district, except as modified by § 163-104	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years
United States Senators	State	At the regular election immediately preceding the termination of each regular term	Six years
County Commissioners	County	At the regular election for members of the General Assembly immediately preceding the termination of each regular term	Two years, from the first Monday in December next after election
Clerk of Superior Court	County	At the regular election for members of the General Assembly immediately preceding the termination of a regular term	Four years, from the first Monday in December next after election
Register of Deeds	County	At the regular election for members of the General Assembly immediately preceding the termination of a regular term	Four years, from the first Monday in December next after election

Office	Jurisdiction	Date of Election	Term of Office
Sheriff	County	At the regular election for members of the General Assembly immediately preceding the termination of a regular term	Four years, from the first Monday in December next after election
Coroner	County	At the regular election for members of the General Assembly immediately preceding the termination of a regular term	Four years, from the first Monday in December next after election
County Treasurer (in counties in which elected)	County	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years, from the first Monday in December next after election
All other county officers to be elected by the people	County	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years, from the first Monday in December next after election
Constable	Township	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years, from the first Monday in December next after election
Justice of the Peace (in counties in which elected)	Township	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years, from the first Monday in December next after election
All other township officers to be elected by the people	Township	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years, from the first Monday in December next after election

§ 163-2. Hours of primaries and elections.—In all primaries, general elections, special elections, and referenda held in this State, including those held in and for municipalities, the polls shall be opened at six-thirty, a.m., and shall be closed at six-thirty, p.m.: Provided, however, that at voting places at which voting machines are used the responsible county board of elections may permit the polls to be closed at seven-thirty, p.m.

§ 163-3 through § 163-7 reserved for future use.

ARTICLE 2.

TIME OF ELECTIONS TO FILL VACANCIES

§ 163-8. Filling vacancies in State executive offices.—If the office of Governor or Lieutenant Governor shall become vacant, the provisions of § 147-11.1 shall apply. If the office of any of the following officers shall be vacated by death, resignation, or otherwise than by expiration of term, it shall be the duty of the Governor to appoint another to serve until his successor is elected and qualified:

Secretary of State,
Auditor,
Treasurer,
Superintendent of Public Instruction
Attorney General,
Commissioner of Agriculture,
Commissioner of Labor, and
Commissioner of Insurance.

Each such vacancy shall be filled by election at the first election for members of the General Assembly that occurs more than thirty (30) days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired four-year term: Provided, that when a vacancy occurs in any of the offices named in this section and the term expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the office.

Upon the occurrence of a vacancy in the office of any one of these officers for any of the causes stated in the preceding paragraph, the Governor may appoint an acting officer to perform the duties of that office until a person is appointed or elected pursuant to this section and Section 13, Article III, of the State Constitution, to fill the vacancy and is qualified.

§ 163-9. Filling vacancies in State and district judicial offices.—Vacancies occurring in the offices of justice of the Supreme Court and judge of the superior court for causes other than expiration of term shall be filled by appointment of the Governor. An appointee shall hold his place until the next election for members of the General Assembly that is held more than thirty (30) days after the vacancy occurs, at which time an election shall be held to fill the unexpired term of the office: Provided, that when the unexpired term of the office in which the vacancy has occurred expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office.

Vacancies in the office of district judge which occur before the expiration of a term shall not be filled by election. Instead, such a vacancy shall be filled for the unexpired term by appointment of the Governor from nominations submitted by the bar of the judicial district in which the vacancy occurs. If the district bar fails to submit nominations within two weeks from the date the vacancy occurs, the Governor may appoint to fill the vacancy without waiting for nominations.

§ 163-10. Filling vacancy in office of solicitor.—Any vacancy occurring in the office of solicitor for causes other than expiration of term shall be filled by appointment of the Governor. An appointee shall hold his place until the next election for members of the General Assembly that is held more than (30) days after the vacancy occurs, at which time an election shall be held to fill the unexpired term of the office: Provided, that when the unexpired term of the office in which the vacancy has occurred expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office.

§ 163-11. Filling vacancies in the General Assembly.—If a vacancy shall occur in the General Assembly by death, resignation, or otherwise than by expiration of term, the Governor shall immediately appoint for the unexpired part of the term the person recommended by the county executive committee of the political party with which the vacating member was affiliated when elected, it being the party executive committee of the county in which he was resident.

§ 163-12. Filling vacancy in United States Senate.—Whenever there shall be a vacancy in the office of United States Senator from this State, whether caused by death, resignation, or otherwise than by expiration of term, the Governor shall appoint to fill the vacancy until an election shall be held to fill the office. The Governor shall issue his writ for the election of a Senator to be held at the time of the first election for members of the General Assembly that is held more than (30) days after the vacancy occurs. The person elected shall hold the office for the remainder of the unexpired term. The election shall take effect from the date of the canvassing of the returns.

§ 163-13. Filling vacancy in United States House of Representatives.—
(a) **Special election:** If at any time after expiration of any Congress and before another election, or if at any time after an election, there shall be a vacancy in this State's representation in the House of Representatives of the United States Congress, the Governor shall issue a writ of election, and by proclamation fix the date on which an election to fill the vacancy shall be held in the appropriate congressional district.

(b) **Nominating procedures:** If a Congressional vacancy occurs within eight months preceding the next succeeding general election, candidates for the special election to fill the vacancy shall not be nominated in primaries. Instead, nominations may be made by the political party congressional district executive committees in the district in which the vacancy occurs. The chairman and secretary of each political party congressional district executive committee nominating a candidate shall immediately certify his name and party affiliation to the State Board of Elections so that it may be printed on the special election ballots.

If the Congressional vacancy occurs more than eight months prior to the next succeeding general election, the Governor shall call a special primary for the purpose of nominating candidates to be voted on in a special election called by the Governor in accordance with the provisions of subsection (a) of this section. Such a primary election shall be conducted in accordance with the general laws governing primaries, except that the closing date for filing notices of candidacy with the State Board of Elections shall be fixed by the Governor in his call for the special primary.

§ 163-14 through § 163-18 reserved for future use.

SUBCHAPTER II.

ELECTION OFFICERS

ARTICLE 3.

STATE BOARD OF ELECTIONS.

§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.—All of the terms of office of the present members of the State Board of Elections shall expire on May 1, 1969, or when their successors in office are appointed and qualified.

The State Board of Elections shall consist of five registered voters whose terms of office shall begin on May 1, 1969, and shall continue for four years, and until their successors are appointed and qualified. The Governor shall appoint the members of this Board and likewise shall appoint their successors every four years at the expiration of each four-year term. Not more than three members of the Board shall be members of the same political party.

Any vacancy occurring in the Board shall be filled by the Governor, and the person so appointed shall fill the unexpired term.

At the first meeting held after the new appointments are made, the members of the State Board of Elections shall take the following oath:

I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State; and that I will well and truly execute the duties of the office of Member of the State Board of Elections according to the best of my knowledge and ability, according to law; so help me, God.

After taking the prescribed oath, the Board shall organize by electing one of its members chairman and another secretary.

§ 163-20. Meetings of Board; quorum; minutes.—The State Board of Elections shall meet at the call of the chairman whenever necessary to discharge the duties and functions imposed upon it by this chapter. The Board shall meet at such times and places in the City of Raleigh as the chairman may appoint unless required to meet elsewhere under the provisions of § 163-23.

The chairman of the State Board of Elections shall call a meeting of the Board upon the application in writing of any two members thereof. If there be no chairman, or if the chairman does not call a meeting after receiving a written request from two members, any three members of the Board shall have power to call a meeting of the Board, and any duties imposed or powers conferred by this chapter may be performed or exercised at that meeting, although the time for performing or exercising the same prescribed by this chapter may have expired.

A majority of the members shall constitute a quorum for the transaction of Board business. If at any meeting any member of the Board shall fail to attend, and by reason thereof there is a failure of a quorum, the members attending shall adjourn from day to day, for not more than three days, at the end of which time, if there should be no quorum, the Governor may remove the members failing to attend summarily and appoint their successors.

The State Board of Elections shall keep minutes recording all proceedings and findings at each of its meetings. The minutes shall be recorded in a book which shall be kept in the office of the Board in Raleigh.

§ 163-21. Compensation of Board members.—The members of the State

Board of Elections shall be compensated for the time they are actually engaged in the discharge of their duties and for their traveling and other expenses necessary and incidental to the discharge of their duties in accordance with the provisions of Chapter 138 of the General Statutes.

§ 163-22. Powers and duties of State Board of Elections.—(a) The State Board of Elections shall have general supervision over the primaries and elections in the State, and it shall have authority to make such reasonable rules and regulations with respect to the conduct of primaries and elections as it may deem advisable so long as they do not conflict with any provisions of this chapter.

(b) From time to time, the Board shall publish and furnish to the county boards of elections and other election officials a sufficient number of indexed copies of all election laws and Board rules and regulations then in force. It shall also publish, issue, and distribute to the electorate such materials explanatory of primary and election laws and procedures as the Board shall deem necessary.

(c) The State Board of Elections shall appoint, in the manner provided by law, all members of the county boards of elections and advise them as to the proper methods of conducting primaries and elections. The Board shall require such reports from the county boards and election officers as are provided by law, or as are deemed necessary by the Board, and shall compel observance of the requirements of the election laws by county boards of elections and other election officers. In performing these duties, the Board shall have the right to hear and act upon complaints arising by petition or otherwise, on the failure or neglect of a county board of elections to comply with any part of the election laws imposing duties upon such a board. The State Board of Elections shall have power to remove from office any member of a county board of elections for incompetency, neglect or failure to perform duties, fraud, or for any other satisfactory cause. Before exercising this power, the State Board shall notify the county board member affected and give him an opportunity to be heard. When any county board member shall be removed by the State Board of Elections, the vacancy occurring shall be filled by the State Board of Elections.

(d) The State Board of Elections shall investigate when necessary or advisable, the administration of election laws, frauds and irregularities in elections in any county, and shall report violations of the election laws to the Attorney General or solicitor or prosecutor of the district for further investigation and prosecution.

(e) The State Board of Elections shall determine, in the manner provided by law, the form and content of ballots, instruction sheets, poll books, tally sheets, abstract and return forms, certificates of election, and other forms to be used in primaries and elections. The Board shall furnish to the county boards of elections registration and poll books, cards, blank forms, instruction sheets, and forms necessary for the registration of voters and for holding primaries and elections in the counties. In the preparation and distribution of ballots, poll books, abstract and return forms, and all other forms, the State Board of Elections shall call to its aid the Attorney General of the State, and it shall be the duty of the Attorney General to advise and aid in the preparation of these books, ballots, and forms.

(f) The State Board of Elections shall prepare, print, and distribute to the county boards of elections all ballots for use in any primary or election held in the State which the law provides shall be printed and furnished by the State to the counties. The Board shall instruct the county boards of elections as to the printing of county and local ballots.

(g) The State Board of Elections shall certify to the appropriate county boards of elections the names of candidates for district offices who have

filed notice of candidacy with the Board and whose names are required to be printed on county ballots.

(h) It shall be the duty of the State Board of Elections to tabulate the primary and election returns, to declare the results, and to prepare abstracts of the votes cast in each county in the State for offices which, according to law, shall be tabulated by the Board.

(i) The State Board of Elections shall make such recommendations to the Governor and legislature relative to the conduct and administration of the primaries and elections in the State as it may deem advisable.

§ 163-23. Powers of chairman in execution of Board duties.—In the performance of the duties enumerated in § 163-22, the chairman of the State Board of Elections shall have power to administer oaths, issue subpoenas, summon witnesses, compel the production of papers, books, records and other evidence. He shall also have power to fix the time and place for hearing any matter relating to the administration and enforcement of the election laws: Provided, however, the place of hearing shall be the county in which the irregularities are alleged to have been committed.

§ 163-24. Power of State Board of Elections to maintain order.—The State Board of Elections shall possess full power and authority to maintain order, and to enforce obedience to its lawful commands during its sessions, and shall be constituted an inferior court for that purpose. If any person shall refuse to obey the lawful commands of the State Board of Elections or its chairman, or by disorderly conduct in its hearing or presence shall interrupt or disturb its proceedings, it may, by an order in writing, signed by its chairman, and attested by its secretary, commit the person so offending to the common jail of the county for a period not exceeding thirty days. Such order shall be executed by any sheriff or constable to whom the same shall be delivered, or if a sheriff or constable shall not be present, or shall refuse to act, by any other person who shall be deputed by the State Board of Elections in writing, and the keeper of the jail shall receive the person so committed and safely keep him for such time as shall be mentioned in the commitment: Provided, that any person committed under the provisions of this section shall have the right to post a two hundred dollar (\$200.00) bond with the clerk of the superior court and appeal to the superior court for a trial on the merits of his commitment.

§ 163-25 through § 163-29 reserved for future use.

ARTICLE 4.

County Board of Elections.

§ 163-30. County boards of elections; appointments; term of office; qualifications; vacancies; oath of office.—In every county of the State there shall be a county board of elections to consist of three persons of good moral character, who are registered voters in the county in which they are to act. Members of county boards of elections shall be appointed by the State Board of Elections on the Friday before the tenth Saturday preceding each primary election, and their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified. Not more than two members of the county board of elections shall belong to the same political party.

No person shall serve as a member of the county board of elections who holds any elective public office or who is a candidate for any office in the primary or election.

No person, while acting as a member of a county board of elections, shall serve as a county campaign manager of any candidate in a primary or election.

The State chairman of each political party shall have the right to recommend to the State Board of Elections three registered voters in each county for appointment to the board of elections for that county. If such recommendations are received by the Board fifteen or more days before the tenth Saturday before the primary is to be held, it shall be the duty of the State Board of Elections to appoint the county boards from the names thus recommended.

Whenever a vacancy occurs in the membership of a county board of elections for any cause other than removal by the State Board of Elections, the State chairman of the political party of the vacating member shall have the right to recommend two registered voters of the affected county for such office, and it shall be the duty of the State Board of Elections to fill the vacancy from the names thus recommended.

At the meeting of the county board of elections required by § 163-31 to be held on the ninth Saturday before the primary, the members shall take the following oath of office:

I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; and that I will well and truly execute the duties of the office of Member of the _____ County Board of Elections to the best of my knowledge and ability, according to law, so help me, God.

§ 163-31. Meetings of county boards of elections; quorum; minutes.—

In each county of the State the members of the county board of elections shall meet at the courthouse or board office at noon on the ninth Saturday before each primary election and, after taking the oath of office provided in § 163-30, they shall organize by electing one member chairman and another member secretary of the county board of elections. On the seventh Saturday before each primary election the county board of elections shall meet and appoint precinct registrars and judges of elections. The board may hold other meetings at such times and places as the chairman of the board, or any two members thereof, may direct, for the performance of duties prescribed by law. A majority of the members shall constitute a quorum for the transaction of board business.

The county board of elections shall keep minutes recording all proceedings and findings at each of its meetings. The minutes shall be recorded in a book which shall be kept in the board office if there be one, otherwise, the minute book shall remain in the custody of the secretary of the board.

§ 163-32. Compensation of members of county boards of elections.— In full compensation for their services, members of the county board of elections (including the chairman) shall be paid by the county fifteen dollars (\$15.00) per day for the time they are actually engaged in the discharge of their duties, together with reimbursement for expenditures necessary and incidental to the discharge of their duties. In its discretion, the board of county commissioners of any county may pay the chairman of the county board of elections compensation in addition to the per diem and expense allowance provided in this paragraph.

Counties which adopt full-time and permanent registration shall not be bound by the provisions of the preceding paragraph; in such counties the compensation of members of the county board of elections (including the chairman) shall be determined by the board of county commissioners.

In all counties the board of elections shall pay its clerk, assistant clerks, and other employees such compensation as it shall fix within budget appropriations. Counties which adopt full-time and permanent registration

shall have authority to pay executive secretaries and special registration commissioners whatever compensation they may fix within budget appropriations.

§ 163-33. Powers and duties of county boards of elections.—The county boards of elections within their respective jurisdictions shall exercise all powers granted to such boards in this chapter, and they shall perform all the duties imposed upon them by law, which shall include the following:

(a) To make and issue such rules, regulations, and instructions, not inconsistent with law or the rules established by the State Board of Elections, as it may deem necessary for the guidance of election officers and voters.

(b) To appoint all registrars, judges, assistants, and other officers of elections, and designate the precinct in which each shall serve; and, after notice and hearing, to remove any registrar, judge of elections, assistant, or other officer of election appointed by it for incompetency, failure to discharge the duties of office, failure to qualify within the time prescribed by law, fraud, or for any other satisfactory cause.

(c) To investigate irregularities, nonperformance of duties, and violations of laws by election officers and other persons, and to report violations to the prosecuting authorities; in connection with any such investigation, to administer oaths, issue subpoenas, summon witnesses, and compel the production of books, papers, records, and other evidence.

(d) As provided in § 163-128, to establish, define, provide, rearrange, discontinue, and combine election precincts as it may deem expedient, and to fix and provide for places of registration and for holding primaries and elections.

(e) To review, examine, and certify the sufficiency and validity of petitions and nomination papers.

(f) To advertise and contract for the printing of ballots and other supplies used in registration and elections; and to provide for the delivery of ballots, poll books, and other required papers and materials to the voting places.

(g) To provide for the purchase, preservation, and maintenance of voting booths, ballot boxes, registration and poll books, maps, flags, cards of instruction, and other forms, papers, and equipment used in registration, nominations, and elections; and to cause the voting places to be suitably provided with voting booths and other supplies required by law.

(h) To provide for the issuance of all notices, advertisements, and publications concerning elections required by law.

(i) To receive the returns of primaries and elections, canvass the returns, make abstracts thereof, transmit such abstracts to the proper authorities, and to issue certificates of election to county officers and members of the General Assembly except those elected in districts composed of more than one county.

(j) To appoint and remove the board's clerk, assistant clerks, and other employees.

(k) To prepare and submit to the proper appropriating officers a budget estimating the cost of elections for the ensuing fiscal year.

(l) To perform such other duties as may be prescribed by this chapter or the rules of the State Board of Elections.

§ 163-34. Power of county board of elections to maintain order.—Each county board of elections shall possess full power to maintain order, and to enforce obedience to its lawful commands during its sessions, and shall be constituted an inferior court for that purpose. If any person shall

refuse to obey the lawful commands of any county board of elections, or by disorderly conduct in its hearing or presence shall interrupt or disturb its proceedings, it may, by an order in writing, signed by its chairman, and attested by its secretary, commit the persons so offending to the common jail of the county for a period not exceeding thirty days. Such order shall be executed by any sheriff or constable to whom the same shall be delivered, or if a sheriff or constable shall not be present, or shall refuse to act, by any other person who shall be deputed by the county board of elections in writing, and the keeper of the jail shall receive the person so committed and safely keep him for such time as shall be mentioned in the commitment: Provided, that any person committed under the provisions of this section shall have the right to post a two hundred dollar (\$200.00) bond with the clerk of the superior court and appeal to the superior court for a trial on the merits of his commitment.

§ 163-35. Executive secretary to county board of elections in county having full-time and permanent registration.—In counties which adopt full-time and permanent registration the county board of elections shall have the power, by majority vote, to appoint an executive secretary to serve at the will of the board. No person shall serve as an executive secretary who holds any elective public office or who is a candidate for any office in a primary or election, or who holds an official position with any political party.

The county board of elections shall have authority, by resolution adopted by majority vote, to delegate to its executive secretary so much of the administrative detail of the election functions, duties, and work of the board, its officers and members, as is now, or may hereafter be, vested in it or them as the county board of elections may see fit: Provided, that the board shall not delegate to an executive secretary any of its quasi-judicial or policy-making duties and authority. Within the limitations imposed upon him by the resolution of the county board of elections, the acts of a properly appointed executive secretary shall be deemed to be the acts of the county board of elections, its officers and members.

§ 163-36 through § 163-40 reserved for future use.

ARTICLE 5.

Precinct Election Officials.

§ 163-41. Precinct registrars and judges of election; special registration commissioners; appointment; terms of office; qualifications; vacancies; oaths of office.—(a) **Appointment of registrar and judges.** At the meeting required by § 163-31 to be held on the seventh Saturday before each primary election, the county board of elections shall appoint one person to act as registrar and two others persons to act as judges of election for each precinct in the county. Their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified. It shall be their duty to conduct the primaries and elections within their respective precincts. Persons appointed to these offices must be registered voters and residents of the precinct for which appointed, of good repute, and able to read and write. Not more than one judge in each precinct shall belong to the same political party as the registrar, provided, however, that in a primary election in which only one political party participates all of the precinct officials shall be chosen from that party. For purposes of this section, the second primary provided for in § 163-111 shall be considered part of the first primary and not a separate primary election.

No person holding any office or place of trust or profit under the government of the United States, or of the State of North Carolina, or any political subdivision thereof, shall be eligible to appointment as a precinct election official: Provided, that nothing herein contained shall extend

to officers in the militia, notaries public, commissioners of public charities, or commissioners for special purposes.

No person who is a candidate for nomination or election shall be eligible to serve as a registrar or judge of election.

The chairman of each political party in the county shall have the right to recommend from three to five registered voters in each precinct, who are residents of the precinct, and who have good moral character and are able to read and write, for appointment as registrar and judges of election in that precinct. If such recommendations are received by the county board of elections before the seventh Saturday before the primary is to be held, it may make precinct appointments from the names thus recommended, although it shall not be required to do so.

If, at any time other than on the day of a primary or election, a registrar or judge of election shall be removed from office, or shall die or resign, or if for any other cause there be a vacancy in a precinct election office, the chairman of the county board of elections shall appoint another in his place, promptly notifying him of his appointment. In filling such a vacancy, the chairman shall appoint a person who belongs to the same political party as that to which the vacating member belonged when appointed.

If any person appointed registrar shall fail to be present at the voting place at the hour of opening the polls on primary or election day, or if a vacancy in that office shall occur on primary or election day for any reason whatever, the precinct judges of election shall appoint another to act as registrar until such time as the chairman of the county board of elections shall appoint to fill the vacancy. If a judge of elections shall fail to be present at the voting place at the hour of opening the polls on primary or election day, or if a vacancy in that office shall occur on primary or election day for any reason whatever, the registrar shall appoint another to act as judge until such time as the chairman of the county board of elections shall appoint to fill the vacancy. Persons appointed to fill vacancies shall, whenever possible, be chosen from the same political party as the person whose vacancy is being filled, and all such appointees shall be sworn before acting.

Before entering upon his duties each registrar shall take and subscribe the following oath of office to be administered by an officer authorized to administer oaths and file it with the county board of elections:

I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State not inconsistent with the Constitution of the United States; that I will administer the duties of my office as registrar of _____ precinct,

_____ County, without fear or favor; that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or proposition; and that I will not keep or make any memorandum of anything occurring within a voting booth, unless I am called upon to testify in a judicial proceeding for a violation of the election laws of this State; so help me, God.

Before the opening of the polls on the morning of the primary or election, the registrar shall administer the oath set out in the preceding paragraph to each judge of election and assistant, substituting for the word "registrar" the words "judge of elections in" or "assistant in," whichever is appropriate.

(b) **Appointment of special registration commissioners.** In counties which adopt full-time and permanent registration the county board of elections may, in addition to registrars, select persons of good repute to

act as special registration commissioners. Persons appointed as registration commissioners shall serve for two years, but their authority may be terminated by the county board of elections at any time without cause.

In counties which adopt a full-time and permanent registration the chairman of each political party shall have the right to recommend registered voters who are residents of the county for appointment as special registration commissioners. If such recommendations are received by the county board of elections before the seventh Saturday before the primary is to be held, that board may make appointments from the names thus recommended, although it shall not be required to do so.

Before entering upon his duties each special registration commissioner shall take and subscribe the following oath of office to be administered by an officer authorized to administer oaths and file it with the county board of elections:

I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; that I will administer the duties of my office as special registration commissioner for _____ County without fear or favor, to the best of my knowledge and ability, according to law; so help me, God.

(c) **Publication of names of precinct officials.** Immediately after appointing registrars, judges, and special registration commissioners as herein provided, the county board of elections shall publish the names of the persons appointed in some newspaper having general circulation in the county or, in lieu thereof, at the courthouse door, and shall notify each person appointed of his appointment, either by letter or by having a notice served upon him by the sheriff.

§ 163-42. Assistants at polls; appointment; term of office; qualifications; oath of office.—Within the limits set by this section, the county board of elections shall have authority to appoint an assistant or assistants for each precinct within the county to aid the registrar and judges. Assistants shall, in all cases, be qualified voters of the precinct for which appointed. No other assistants shall be appointed for any precinct. Assistants serve for the primary or election for which appointed and no longer.

No person who is a candidate for nomination or election shall be eligible to serve as an assistant.

In a precinct in which voting machines are not used, the county board of elections may appoint one assistant for each three hundred voters registered in that precinct. In a precinct in which voting machines are used, the board may appoint one assistant for each five hundred voters registered in that precinct.

Before entering upon the duties of his office, each assistant shall take the oath prescribed in § 163-41(a) to be administered by the registrar of the precinct for which the assistant is appointed.

§ 164-43. Ballot counters; appointment; qualifications; oath of office.—The county board of elections of any county may authorize the use of precinct ballot counters to aid the registrars and judges of elections in the counting of ballots in any precinct or precincts within the county. The county board of elections shall appoint the ballot counters it authorizes for each precinct or, in its discretion, the board may delegate authority to make such appointments to the precinct registrar, specifying the number of ballot counters to be appointed for each precinct.

Upon acceptance of appointment, each ballot counter shall appear before the precinct registrar at the voting place immediately at the close of the

polls on the day of the primary or election and take the following oath to be administered by the registrar:

I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; that I will honestly discharge the duties of ballot counter in _____ precinct, _____ County, for the primary (or election) held this day, and that I will fairly and honestly tabulate the votes cast in said primary (or election); so help me, God.

The names and addresses of all ballot counters serving in any precinct, whether appointed by the county board of elections or by the registrar, shall be reported by the registrar to the county board of elections at the county canvass following the primary or election.

§ 163-44. Markers for general elections; appointment; qualifications; oath of office.—Before each general election, a sufficient number of markers, whose duty it shall be to assist voters in the preparation of their ballots, shall be appointed for each precinct. The appointments shall be made by the county board of elections in consultation with the precinct registrar. In appointing markers, fair representation shall be given to each political party whose candidates appear upon the ballot. To this end, not more than ten days before any election, the chairman of each political party in the county shall have the right to recommend not fewer than ten registered voters in each precinct for appointment as markers to represent the party at the election in the precinct. All markers shall be appointed from the names thus recommended.

Persons appointed as markers must be registered voters and residents of the precinct for which appointed, of good moral character, and able to read and write. Elected officers and candidate for elective office shall be ineligible to serve as markers, but all other governmental employees shall be eligible to serve as markers.

Before the opening of the polls on the morning of the election, the registrar shall administer the following oath to each marker:

I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; that I will administer the duties of my office as marker in _____ Precinct, _____ County, to the best of my knowledge and ability; that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or proposition; and that I will not keep or make any memorandum of anything occurring within the voting booth, and will not disclose the same, unless I am called upon to testify in a judicial proceeding for a violation of the election laws of this State; so help me, God.

The provisions of this section shall not apply to primary elections, nor shall they apply to counties which adopt full-time and permanent registration.

§ 163-45. Watchers; appointment.—The chairman of each political party in the county shall have the right to appoint two watchers to attend

each voting place at each primary and election: Provided, that in a primary this right shall not extend to the chairman of a political party unless that party is participating in the primary. In any election in which an independent candidate is named on the ballot, he or his campaign manager shall have the right to appoint two watchers for each voting place. Watchers serve also as challengers. Persons appointed as watchers must be registered voters of the precinct for which appointed and must have good moral character. Watchers shall take no oath of office.

Individuals authorized to appoint watchers must submit in writing to the registrar of each precinct a signed list of the watchers appointed for that precinct. The registrar and judges of election for the precinct may for good cause reject any appointee and require that another be appointed.

A watcher shall do no electioneering at the voting place, and he shall in no manner impede the voting process or interfere or communicate with or observe any voter in casting his ballot, but, subject to these restrictions, the registrar and judges of election shall permit him to make such observation and take such notes as he may desire.

§ 163-46. Compensation of precinct officials and assistants.—The precinct registrar shall be paid the sum of fifteen dollars (\$15.00) per day for his services on the day of a primary or election and for each Saturday during the period of registration that he attends the voting place for the purpose of registering voters. Judges of election and assistants shall each be paid for their services on the day of a primary or election the sum of ten dollars (\$10.00). Registrars and judges of election shall be paid at the per diem rate specified above for attending any meeting called by the chairman of the county board of elections relating to their duties in any primary or election. A person appointed to serve as registrar or judge of election when a previously appointed registrar or judge fails to appear at the voting place or leaves his post on the day of an election or primary, shall be paid the same compensation as a registrar or judge appointed prior to that date. In its discretion, the board of commissioners of any county may provide funds with which the county board of elections may pay registrars, judges, and assistants compensation in addition to the per diem provided in this section. Ballot counters, markers, and watchers shall be paid no compensation for their services.

Counties which adopt full-time and permanent registration shall not be bound by the provisions of the preceding paragraph; in such counties the compensation of precinct registrars, judges of election, assistants, and ballot counters shall be determined by the county board of elections within budget appropriations.

§ 163-47. Powers and duties of registrars and judges of election.—
(a) The registrars and judges of election shall conduct the primaries and elections within their respective precincts fairly and impartially, and they shall enforce peace and good order in and about the place of registration and voting.

(b) The registrar shall have in his charge the actual registration of voters within his precinct and shall not delegate this responsibility. On the days required by law, he shall attend the voting place for the registration of new voters and for hearing challenges, but in the performance of these duties the registrar shall be subject to the observance of such reasonable rules and regulations as the county board of elections may prescribe, not inconsistent with law. On the day of an election or primary, the registrar shall have charge of the registration book for the purpose of passing on the registration of persons who present themselves at the polls to vote.

(c) The registrars and judges shall hear challenges of the right of registered voters to vote as provided by law.

(d) The registrars and judges shall count the votes cast in their precincts and make such returns of the same as is provided by law.

(e) The registrars and judges shall make such an accounting to the chairman of the county board of elections for ballots and for election supplies as is required by law.

(f) The registrar and judges of election shall act by a majority vote on all matters not assigned specifically by law to the registrar or to a judge.

§ 163-48. Maintenance of order at place of registration and voting.—The registrar and judges of election shall enforce peace and good order in and about the place of registration and voting. They shall especially keep open and unobstructed the place at which voters or persons seeking to register or vote have access to the place of registration and voting. They shall prevent and stop improper practices and attempts to obstruct, intimidate, or interfere with any person in registering or voting. They shall protect challengers and witnesses against molestation and violence in the performance of their duties, and they may eject from the place of registration or voting any challenger or witness for violation of any provisions of the election laws. They shall prevent riots, violence, tumult, or disorder.

In the discharge of the duties prescribed in the preceding paragraph of this section, the registrar and judges may call upon the sheriff, the police, or other peace officers to aid them in enforcing the law. They may order the arrest of any person violating any provision of the election laws, but such arrest shall not prevent the person arrested from registering or voting if he is entitled to do so. The sheriff, constables, police officers, and other officers of the peace shall immediately obey and aid in the enforcement of any lawful order made by the precinct election officials in the enforcement of the election laws. The registrar and judges of election of any precinct, or any two of such election officials, shall have the authority to deputize any person or persons as police officers to aid in maintaining order at the place of registration or voting.

§ 163-49 through § 163-53 reserved for future use.

SUBCHAPTER III.

QUALIFYING TO VOTE

ARTICLE 6.

QUALIFICATIONS OF VOTERS.

§ 163-54. Registration a prerequisite to voting.—Only such persons as are legally registered shall be entitled to vote in any primary or election held under this chapter.

§ 163-55. Qualifications to vote; exclusion from electoral franchise.—Every person born in the United States, and every person who has been naturalized, and who shall have resided in the State of North Carolina for one year and in the precinct in which he offers to register and vote for thirty days next preceding the ensuing election shall, if otherwise qualified as prescribed in this chapter, be qualified to register and vote in the precinct in which he resides: Provided, that removal from one precinct to another in this State shall not operate to deprive any person of the right to vote in the precinct from which he has removed until thirty days after his removal.

The following classes of persons shall not be allowed to register or vote in this State:

1. Persons under twenty-one years of age.
2. Idiots and lunatics.
3. Persons who have been convicted, or who have confessed their guilt in open court, upon indictment, of any crime the punishment for which is now or may hereafter be imprisonment in the State's Prison, unless he shall have had his rights of citizenship restored in the manner prescribed by law.

§ 163-56. State residence requirement shortened for presidential elections.—A person who has been a resident of this State for not less than sixty days immediately prior to the date of a presidential election shall be entitled to register and vote for presidential and vice-presidential electors in such election but for no other offices, provided he is then qualified to register and vote in this State except for the fact that he has not resided in this State for one year prior to the election. The procedure by which new resident voters shall register under the provisions of this section is prescribed in § 163-73.

§ 163-57. Residence defined for registration and voting.—All registrars and judges, in determining the residence of a person offering to register or vote, shall be governed by the following rules, so far as they may apply:

(1) That place shall be considered the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

(2) A person shall not be considered to have lost his residence who leaves his home and goes into another State or county of this State, for temporary purposes only, with the intention of returning.

(3) A person shall not be considered to have gained a residence in any county of this State, into which he comes for temporary purposes only, without the intention of making such county his permanent place of abode.

(4) If a person removes to another State or county within this State, with the intention of making such State or county his permanent residence, he shall be considered to have lost his residence in the State or county from which he has removed.

(5) If a person removes to another State or county within this State, with the intention of remaining there an indefinite time and making such State or county his place of residence, he shall be considered to have lost his place of residence in this State or the county from which he has removed, notwithstanding he may entertain an intention to return at some future time.

(6) If a person goes into another State or county, or into the District of Columbia, and while there exercises the right of a citizen by voting in an election, he shall be considered to have lost his residence in this State or county.

(7) School teachers who remove to a county for the purpose of teaching in the schools of that county temporarily and with the intention or expectation of returning during vacation periods to live in the county in which their parents or other relatives reside, and who do not have the intention of becoming residents of the county to which they have moved to teach, for purposes of registration and voting shall be considered residents of the county in which their parents or other relatives reside.

(8) If a person removes to the District of Columbia or other federal territory to engage in the government service, he shall not be considered to have lost his residence in this State during the period of such service unless he votes there, and the place at which he resided at the time of his removal shall be considered and held to be his place of residence.

(9) If a person removes to a county to engage in the service of the State government, he shall not be considered to have lost his residence in the county from which he removed, unless he demonstrates a contrary intention.

§ 163-58. Literacy.—Only such persons as are able to read and write any section of the Constitution of North Carolina in the English language shall be entitled to register and vote in any primary or election held under this chapter.

§ 163-59. Right to participate or vote in party primary.—No person shall be entitled to vote or otherwise participate in the primary election of any political party unless he

1. Is a registered voter, and

2. Has declared and has had recorded on the registration book or record the fact that he affiliates with the political party in whose primary he proposes to vote or participate, and

3. Is in good faith a member of that party.

Any person who will become qualified by age or residence to register and vote in the general election for which the primary is held, even though not so qualified by the date of the primary election, shall be entitled to register while the registration books are open during the regular registration period prior to the primary and then to vote in the primary after being registered. In counties which adopt full-time and permanent registration, such an individual may register not earlier than (60) days nor later than (21) days prior to the primary.

§ 163-60 through § 163-64 reserved for future use.

ARTICLE 7.

REGISTRATION OF VOTERS.

§ 163-65. Registration books and records.—(a) **Precinct records:** The county board of elections shall furnish each precinct registrar with a proper book or books in which to record registrations. This book shall

be prepared to contain all of the information pertaining to a registered voter required by § 163-72, including the registrant's political party affiliation, if any. On each page of the book shall be printed a column index giving the first two letters of the surnames and the pages on which persons bearing those names are registered.

In lieu of a bound book, the county board of elections shall install a loose-leaf registration book system in all of the precincts of the county prior to January 1, 1970; provided that nothing herein shall alter the power of the county board of elections, with the approval of the county board of commissioners, to establish by resolution a full-time system of registration as provided in G. S. 163-67 (b). The necessary binders for the loose-leaf registration book system shall be purchased by each county. The State Board of Elections shall have authority to approve types, sizes and kinds of binders to be used for the loose-leaf registration book system. Uniform registration sheets of paper approved by the State Board of Elections which are necessary for the binders shall be furnished by the State Board of Elections from funds provided by the State from the contingency and emergency fund. One or more duplicate sets of registration sheets shall be maintained by the chairman of the county board of elections at all times in a safe place.

(b) **Special register for chairman of board of elections:** The State Board of Elections shall furnish the chairman of the county board of elections with a book in which he shall register qualified persons prior to the regular registration period under the provisions of § 163-68. This book shall be prepared to contain all the information pertaining to a registered voter required by § 163-72, including the registrant's political party affiliation and also a record of the precinct in which he resides.

(c) **Registration record in county with full-time and permanent registration or loose-leaf registration system:** In counties which adopt full-time and permanent registration, or loose-leaf registration book system, the applicant's application to register, when approved by the county board of elections, as provided in § 163-67, shall become an official registration certificate.. All original registration certificates shall be kept by the county board of elections in a safe place to be provided by the board of county commissioners. The county board of elections shall place an exact duplicate or copy of each original registration certificate in the proper precinct registration book, and certify each such book as containing the registration certificates of all persons entitled to vote in that precinct. Duplicate registration certificates filed in the precinct registration books, when properly certified by the county board of elections, shall be used in the precincts for purposes of all primaries and elections; provided, however, that the original registration certificates shall at all times be the official and final evidence of registration, and the county board of elections shall have power to correct the duplicates in the precinct registration books to conform to the original registration certificates at any time, including the day of any primary or election. (1967.c. 761)

§163-66. Custody of registration records and poll books; access; obtaining copies.—When not in use for a primary or election, all registration and poll books shall be in the custody and safekeeping of the chairman of the county board of elections. It shall be his duty to keep these books in a safe and secure place where they may not be tampered with, stolen or destroyed. If possible, he shall keep them in a fireproof vault. While the registration and poll books are in the custody of the chairman of the county board of elections, he may, in his discretion, permit them to be inspected or copied, but only under his supervision.

The precinct registrar shall be responsible for the safekeeping of the registration and poll books while in his custody. While these books are in the hands of the precinct registrar prior to a primary or election, it shall be his duty, on application of any candidate or the county chairman of any political party, to permit the registration and poll books to be copied at the registrar's residence or at the voting place. The registrar shall not release the registration and poll books from his custody for this purpose.

In lieu of permitting these books to be copied, the registrar may furnish an accurate list of all names appearing therein, for which service he shall be paid by the candidate or party chairman to whom the list is furnished, at a rate not to exceed two cents for each name listed.

In counties which adopt full-time and permanent registration, the registration books, registration certificates, indexes, and other records of registration shall be and remain in the possession of the county board of elections. The board may exercise supervision and control of these records through its properly designated officers and employees. In such counties, it shall be the duty of the county board of elections, on application of any candidate, or the county chairman of any political party, or any other person, to furnish a list of the persons registered to vote in the county or in any precinct or precincts therein. In such a county no registrar shall furnish lists of registered voters or permit the registration records of his precinct to be copied. The county board of elections may furnish such lists upon sheets, cards, postal cards, or envelopes, and, upon request, it shall furnish selective lists according to party affiliation, sex, race, date of registration, or any other reasonable category. In all instances, however, the county board of elections shall require persons to whom such lists are furnished to make full reimbursement for the expense incurred in preparing them.

Any person willfully failing or refusing to comply with the provisions and requirements of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than thirty days.

§ 163-67. Time and place for registration.—(a) **Registration periods:** Before each primary and election qualified persons shall be given an opportunity to register to vote during a registration period prescribed by this section. If a new county-wide registration of all voters is ordered by the county board of elections, the registration books shall be opened for the registration of qualified persons at 9:00 a. m. on the fifth Saturday before the primary or election, otherwise, the registration books shall be opened at 9:00 a.m. on the fourth Saturday before the primary or election. The period for registration shall be closed at 6:30 p. m. on the second Saturday before the primary or election.

Between the hours of 9:00 a. m. and 6:30 p. m. on each day during the period in which registration is conducted, the registrar shall be available with the registration book for registration of qualified persons residing in his precinct. On each Saturday during the period of registration the registrar shall be present, with the registration book, at the voting place in his precinct between the hours of 9:00 a. m. and 6:30 p. m. for the registration of qualified persons.

(b) **Full-time registration:** In a county which has installed a loose-leaf registration book system in all precincts as required by § 163-65, the county board of elections, with the approval of the board of county commissioners, shall have power to establish by resolution a full-time system of registration under which the registration books, process, and records shall be open continuously for the acceptance of registration applications and for the registration of voters at all reasonable hours and times. In such counties no registration shall be a qualification to vote in a particular primary, general, or special election, unless the registrant shall have made application for registration not less than twenty-one days next preceding the primary, general, or special election next to be held.

When full-time registration has been established in a county, the official record of registration shall be made and kept in the form of an application to register which, as prescribed by the county board of elections, shall contain all information necessary to show the applicant's qualifications to register. In such a county, no person shall be registered to vote without first making a written, sworn, and signed application to register upon the form prescribed by the county board of elections. If the applicant cannot write because of physical disability, his name shall be written on the

application for him by the election official to whom he makes application, but the specific reason for the applicant's failure to sign shall be clearly stated upon the face of the application.

Registrars and special registration commissioners appointed under the provisions of § 163-41 may take registration applications from and administer registration oaths to qualified applicants without regard to the precinct residence of the registrar, special registration commissioner, or applicant: Provided, however, the county board of elections shall have power to limit the areas in which registrars and special registration commissioners may exercise the authority conferred in this paragraph.

Applications to register which have been completed by persons who have taken the required oath shall be forwarded promptly to the county board of elections. An application to register shall constitute a valid registration unless the county board of elections shall notify the applicant of its rejection.

For the purpose of receiving registration applications, registrars shall attend the voting places in their precincts only on such days and at such hours as may be fixed by the county board of elections: Provided, the county board of elections shall not require registrars to be present at the voting places for this purpose on any day less than 21 days prior to a primary or election. In its discretion, the county board of elections may require no attendance by registrars at the voting places for the purpose of receiving registration applications.

The county board of elections is authorized to make reasonable rules and regulations, not inconsistent with law, to insure full-time registration as provided in this section.

(c) **No registration on day of primary or election; exception:** No person shall be permitted to register on the day of an election or primary, unless he shall have become qualified to register and vote between the date the registration period expired and the date of the succeeding primary or election. No one shall be permitted to register on the day of a second primary unless he shall have become qualified to register and vote between the date of the first primary and the date of the succeeding second primary. (1967-c. 761)

§ 163-68. Registration of persons expecting to be absent during registration period.—Any citizen of the State, not duly registered, who may be qualified to vote under the Constitution and laws of this State, and who expects to be absent from the precinct in which he resides during the period for registration established by § 163-67, may be registered as provided in this section.

It shall be the duty of the chairman of the county board of elections to register any person possessing the qualifications to vote who presents himself for registration at any time other than the usual registration period, and who expects to be absent from the precinct in which he resides during all of the usual registration period. The chairman shall follow the registration procedure set out in § 163-72 for the registration of voters before the precinct registrar, except that he shall record each such registration in the book furnished him for that purpose by the State Board of Elections under the provisions of § 163-65.

Immediately after registrars are appointed for any primary or election to be held in the county, or in any political subdivision of the county, the chairman of the county board of elections shall certify to the registrar of each precinct the name, age, race, residence, and place of birth of each person he has registered who is entitled to vote in the particular precinct. It shall then be the duty of the registrar to enter upon the regular registration record of his precinct all names and accompanying information certified to him by the chairman of the county board of elections, writing opposite each name entered the words "Registered before Chairman of County Board of Elections."

Persons registered in accordance with the provisions of this section shall be entitled to vote in primaries and elections held in the precinct in

which registered in the same manner as if they had been registered by the precinct registrar.

§ 163-69. Permanent registration.—In counties which adopt full-time registration as authorized by § 163-67, the registration certificates shall be a permanent public record of registration and qualification to vote, and they shall not thereafter be cancelled. In such a county no new registration shall be ordered, either by precinct or county-wide, unless the permanent registration certificates have been lost or destroyed by theft, fire, or other hazard.

In the event of any division of precincts or change in precinct boundaries, the board of elections in such a county shall not cancel the existing registration or order a new registration, but it shall immediately correct the existing precinct registration certificates to conform to the division or change.

To the end that the permanent registration records shall be purged of the names of registrants who have died or who have become disqualified to vote since registration, the register of deeds of the county shall furnish to the county board of elections a certification of all death certificates as soon as they are recorded in his office. Upon receipt of such a certification from the register of deeds, the county board of elections shall cause to be removed from the permanent registration records of the county the name of any person appearing on the register of deeds' death certificate certification. In addition, the county board of elections is authorized to remove from the permanent registration records the names of all persons who have failed to vote, according to the poll or other record of voting, for a period of four years. Prior to removing any person's name from the registration records for failure to vote for four consecutive years, as authorized in this section, the county board of elections shall cause to be mailed to the person affected, at the address shown on the permanent registration records, a notice to show cause why his registration should not be voided. If such a person shall appear and show that his qualifications to register and vote remain as they were when he was first registered, his name shall not be removed from the permanent registration record. Any person whose name has been removed from the permanent registration record for failure to vote for four consecutive years shall be permitted to re-register at any time he can demonstrate that he is qualified to register and vote.

Nothing in this section shall prohibit the county board of elections from restoring to the permanent registration records the name of any person upon proof that he is not dead or that he has voted in the county within the four-year period.

§ 163-70. Registrar to certify number registered in precinct.—At the close of the registration period, each registrar shall promptly certify to the county board of elections the number of voters registered in his precinct.

The requirement of this section shall not apply in counties which adopt full-time and permanent registration.

§ 163-71. Municipal corporations authorized to use county registration records.—Upon such terms as may be mutually agreed to by the governing body of any city, town, or other municipality and the boards of commissioners and elections of the county in which the municipality is situated, the municipality is authorized to use the registration books, process, or records of the county as the official record of registration of persons qualified to vote in municipal elections. If such an agreement is reached, the provisions of law applicable to the registration of voters in the county shall also apply to the city, town, or other municipal corporation for the purpose of its primary, general, regular, and special elections.

All elections heretofore held or ordered to be held by any city, town, or other municipal corporation in which the registration books, process, or records of the county in which the municipal corporation is located

were used or ordered to be used are hereby in all respects ratified, validated, and confirmed.

§ 163-72. Registration procedure; oath.—Before questioning any applicant for registration as to his qualifications, the registrar shall administer the following oath to him:

You swear (or affirm) that the statements and information you shall give me with respect to your identity and qualifications to register to vote shall be the truth, the whole truth, and nothing but the truth; so help you, God.

After being sworn, the applicant shall state as accurately as possible his name, age, place of birth, place of residence, political party affiliation, if any, under the provisions of § 163-74, and any other information which may be material to a determination of his identity and qualification to be admitted to registration. The registrar, if in doubt as to the right of the applicant to register, may require other evidence satisfactory to him as to the applicant's qualifications.

If the registrar finds the applicant duly qualified and entitled to be registered, he shall administer the following registration oath to him:

I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Carolina not inconsistent therewith; that I have been or will have been a resident of the State of North Carolina for one year, and of this precinct for thirty days by the date of the next general election; that I am at least twenty-one years of age or will be by the date of the next general election; and that I have not registered to vote in any other precinct. So help me, God.

If the registrar finds the applicant qualified and entitled to be registered, and if the applicant has taken the oath prescribed in the preceding paragraph, the registrar shall register him by recording his name, age, race, residence, place of birth, and the precinct, county, or state from whence he has removed in the event of a removal, in appropriate columns of the registration book or other registration record.

The registration book or other record containing the information required by the preceding paragraph shall be evidence against the applicant in any court of law in a proceeding for false or fraudulent registration.

If an applicant for registration has removed from another precinct in the same county since his last registration, he shall, before being registered fill out and sign a transfer certificate in the form prescribed in the following paragraph.

Prior to the opening of each registration period, the chairman of the county board of elections shall furnish each precinct registrar with an adequate supply of registration transfer certificates printed in substantially the following form:

To the Registrar of _____ Precinct
_____ County, N. C.

I hereby certify that I have removed my residence from _____ voting precinct, where I was a registered voter, to _____ voting precinct within the same county, and I have this day applied for registration before the undersigned registrar of this precinct in which I now reside, and I hereby request and authorize you to remove my name from the registration book of your precinct as I am no longer qualified to vote in your precinct.

Signed this _____ day of _____, 19____.

(Signature of applicant)

Witness:

Registrar
Precinct
Address

When an applicant has completed and signed a transfer certificate the registrar shall sign the certificate as a witness to the applicant's signature. Immediately after the close of the registration period the registrar shall mail all completed transfer certificates to the chairman of the county board of elections, who shall immediately mail them to the registrars of precincts from which the applicants have removed. Upon receipt of such certificates, the registrars shall cancel the registration of applicants who have requested and authorized that action on the registration records of their precincts.

In counties which adopt full-time and permanent registration, no registered voter shall be required to re-register upon moving from one precinct to another in the same county. In lieu thereof, in accordance with regulations prescribed by the county board of elections, not less than 21 days before any primary or election in which the removing elector desires to vote, he shall file with the county board of elections, or with a registrar or special registration commissioner, an affidavit setting forth his former residence, his new residence, the date of his removal to the new residence, and a statement that all his other qualifications to register and vote remain as they were at the time he was registered. If the county board of elections finds the facts asserted in the affidavit to be true, it shall immediately transfer the voter's registration to the precinct of his new residence. Thereafter the voter shall be considered registered and qualified to vote in his new precinct of residence.

§ 163-73. Registration and voting of new residents in presidential elections.—A person qualifying under § 163-56 and desiring to vote for presidential and vice-presidential electors shall appear in person to register before the chairman of the board of elections of the county in which he is then residing not more than twenty days before the day set for holding the presidential election and not later than five p. m. on Friday preceding the day set for holding that election. For the registration of such persons, the chairman of the county board of elections shall maintain a separate registration book which shall conform in all respects to the registration books used in the precincts of the county.

In registering an applicant under this section, the chairman of the county board of elections shall adhere to the procedure prescribed for registrars in § 163-72 except that the applicant shall not be required to take the registration oath prescribed in that section. In lieu thereof, in the presence of the chairman of the county board of elections, the applicant shall make application for a presidential ballot by completing, signing, and swearing to an application form substantially as follows. The chairman of the county board of elections shall administer the oath thereto:

Application and Affidavit of New Residents for Voting for Presidential and Vice-Presidential Electors

State of North Carolina

County of _____

I, _____, do solemnly swear (or affirm) that I am a citizen of the United States; that I am at least twenty-one years of age or will become twenty-one by the date of the next Presidential Election; that I have been a legal resident of the State of

North Carolina since _____, 19____; that I

now reside at _____ (Street or other address in the City (or Town) of _____ in _____

precinct, of the County of _____, North Carolina; that I will have been a resident thereof at least sixty days prior to the date of the next Presidential Election; that I will be qualified to vote in said precinct for electors for President and Vice-President of the United States; that I have not voted, nor will I vote in the state of

my former residence, or elsewhere in North Carolina; and I do now hereby make application for an official presidential ballot for my use in voting in said election in the State of North Carolina.

Signed -----

Address -----

Subscribed and sworn to before me this day of -----, 19__.

Signed -----

Chairman, County Board of
Elections of -----
County, N. C.

If the chairman of the county board of elections is satisfied that the application provided for above is in proper order and that the applicant is qualified to vote under the provisions of § 163-56 for electors for President and Vice-President, he shall then give to the applicant one of the official presidential and vice-presidential ballots furnished by the State Board of Elections. Upon receiving the ballot, the applicant shall mark it in the presence of the chairman, but in such manner as not to disclose to the chairman how he has marked it. The applicant shall then fold the ballot, concealing the marking thereon, and deliver it to the chairman, who shall write his initials and a consecutive number on the top margin of the ballot and then place the ballot in a container envelope similarly numbered and seal it. On the face of the envelope there shall be printed or typed the following:

This envelope contains the presidential ballot of -----,
a new resident of this county and State, presently residing in
----- precinct in ----- County, North
Carolina, and being voted pursuant to the provisions of Article 18 of
Chapter 163 of the General Statutes of North Carolina.

The chairman of the county board of elections shall safely keep the sealed envelope containing the marked ballot of the new resident voter until the morning of the day of the election in which the ballot is to be voted. Before noon on that day the chairman shall deliver the ballot or cause it to be delivered to the registrar of the precinct in which the applicant is then residing, together with a list of all new resident voters voting in the presidential election and residing in that precinct.

§ 163-74. Record of political party affiliation; changing recorded affiliation; correcting erroneous record.—(a) **Record of party affiliation:** When any person applies for registration during a regular registration period prior to any primary or election, it shall be the duty of the registrar to request the applicant to state his political party affiliation and to record the affiliation in the registration book or appropriate record. Such recorded party affiliation shall thereafter be permanent unless, or until, the registrant changes it under the provisions of subsection (b) of this section.

If the applicant refuses to declare his party affiliation upon request, the registrar shall register his name, if he is otherwise qualified, without indicating any party affiliation opposite the name. The registrar shall then advise the applicant that, although registered, he cannot vote in any party primary but only in general elections held thereafter.

If the applicant states to the registrar that he is an Independent indicating affiliation with no political party, the registrar shall register his name, if he is otherwise qualified, entering the designation "Independent" in the proper place on the registration record. The registrar shall then advise the applicant that, although registered, he cannot vote in any party primary but only in general elections held thereafter.

In all cases in which no party affiliation has been recorded in the registration book opposite the name of any registered elector, but not including those registered as Independents, the registrant may, on primary election day, appear before the registrar of his precinct and have his political party affiliation recorded by taking the following oath to be administered by the registrar:

I, _____, do solemnly swear (or affirm) that I desire in good faith to have my affiliation with the _____ Party recorded in the registration book of this precinct, so help me, God.

When the registrant has taken the prescribed oath, the registrar shall record his declared party affiliation opposite the registrant's name in the registration book and permit him to vote in the primary of the party with which he is affiliated.

(b) **Change of party affiliation:** No registered elector shall be permitted to change the record of his party affiliation for a primary or second primary after the close of the registration period immediately prior to the primary. Any registrant who desires to have the record of his party affiliation changed on the registration book shall, during a regular registration period only, go to the registrar of his precinct and request that the change be made. Before being permitted to have the change made, the registrar shall require the registrant to take the following oath, and it shall be the duty of the registrar to administer it:

I, _____, do solemnly swear (or affirm) that I desire in good faith to change my party affiliation from the _____ Party to the _____ Party, and that such change of affiliation be made on the registration records in the manner provided by law, so help me, God.

In counties which adopt full-time and permanent registration, any registered voter who desires to have his party affiliation changed on the registration records of the county shall, not less than twenty-one days prior to any primary election, file an affidavit in the form of the oath set out in the preceding paragraph with the county board of elections, a registrar, or a special registration commissioner, in accordance with regulations to be adopted by the county board of elections. Upon receipt of the required oath, the county board of elections shall immediately change the record of the registrant's party affiliation to conform to that stated in the oath. Thereafter the voter shall be considered registered and qualified to vote in the primary elections of the political party which he designated in the oath.

(c) **Correction of erroneous record of party affiliation:** If at any time the chairman of the county board of elections or the registrar of any precinct shall be satisfied that an error has been made in designating the party affiliation of any voter on the registration book of his precinct then, and in all such events, the chairman of the county board of elections or the registrar, having custody of the registration book, may make the necessary correction after first administering to the voter the following oath:

I, _____, do solemnly swear (or affirm) that I desire in good faith to have the erroneous entry of my affiliation with the _____ Party in the registration book of this precinct corrected in the manner provided by law to show that I affiliate with the _____ Party, so help me, God.

§ 163-75. Appeal from denial of registration.—Any person who is denied registration for any reason may appeal the decision of the precinct registrar to the board of elections of the county in which the precinct is located. The person appealing shall file notice of his appeal with the county board of elections and with the registrar who refused to register him by 5 p.m. on the day following the day of denial. The notice of appeal shall be in writing, signed by the appealing party, and shall set forth the name, age, and address of the appealing party; it shall also state the reasons for the appeal.

§ 163-76. Hearing on appeal before county board of elections.—Any registrar receiving a notice of appeal from denial of registration shall file the notice with the county board of elections by 5 o'clock p.m. on the day following the day on which he receives it. Every person appealing to the county board of elections from denial of registration shall be entitled to a prompt and fair hearing on the question of his right and qualifications to register as a voter. All cases on appeal to a county board of elections shall be heard *de novo*.

Two members of the county board of elections shall constitute a quorum for the purpose of hearing appeals on questions of registration. The decision of a majority of the members of the board shall be the decision of the board. The board is authorized to subpoena witnesses and to compel their attendance and testimony under oath, and it is further authorized to subpoena papers and documents relevant to any matters pending before the board.

If at the hearing the board shall find that the person appealing from the decision of the registrar is able to read and write any section of the Constitution of North Carolina in the English language, and if the board further finds that the appellant meets all other requirements of law for registration as a voter in the precinct in which application was made, the board shall enter an order to the precinct registrar directing that the appellant be registered as a voter in the precinct from which the appeal was taken. The county board of elections shall not order the applicant registered in any precinct other than that from which the appeal was taken. Not later than five days after an appeal is heard before the county board of elections, the board shall give notice of its decision to the appealing party.

§ 163-77. Appeal from county board of elections to superior court.—Any person aggrieved by a final decision of a county board of elections denying registration may at any time within ten days from the date on which he receives notice of the decision appeal therefrom to the superior court of the county in which the board is located. Upon such an appeal, the appealing party shall be the plaintiff and the county board of elections shall be the defendant, and the matter shall be heard *de novo* in the superior court in the manner in which other civil actions are tried and disposed of therein.

If the decision of the court be that the order of the county board of elections shall be set aside, then the court shall enter its order so providing and adjudging that the plaintiff is entitled to be registered as a qualified voter in the precinct in which he originally made application to register, and in such case the plaintiff's name shall be entered in the registration book of that precinct. The court shall not order the registration of any person in a precinct in which he did not apply to register prior to the proceeding in court.

From the judgment of the superior court an appeal may be taken to the Supreme Court in the same manner as other appeals are taken from judgments of that court in civil actions.

§ 163-78. New registrations; registration when books mutilated or destroyed; revisions of registration books.—(a) **New registration:** The county board of elections shall have power from time to time to order a new registration of all qualified persons for any or all precincts in the

county to be conducted in the period prescribed by § 163-67(a). Upon adoption of a resolution ordering a new registration, the county board of elections shall give twenty days' notice thereof prior to the opening of the registration period by advertising in a newspaper having general circulation in the county, or in lieu thereof, at the courthouse door and at three other public places in the county. When a new registration is ordered, however, the names of persons who have been registered since the last preceding primary or general election by the chairman of the county board of elections under § 163-68 shall remain upon the registration books unless those so registered have died or otherwise become disqualified.

(b) **Registration when books mutilated or destroyed:** In the event the registration books for any precinct shall, prior to thirty days preceding any primary, general, or special election, be destroyed by fire or other cause or shall become mutilated to the extent they can no longer be used, the county board of elections shall provide the precinct registrar with a new registration book, and shall order a new registration of qualified persons in the precinct at the times and places and in the manner prescribed in § 163-67(a). The county board of elections shall give notice of the new registration at least ten days before the date on which the books will be opened by advertisement in a newspaper having general circulation in the county, or in lieu thereof, at the courthouse door and at three public places in the precinct affected. The notice shall state the opening and closing dates for registration, the location of the voting place, and the name of the precinct registrar. If time does not permit challenge day to be held on a separate Saturday, the county board of elections may combine it with the last Saturday for registration, so specifying in the notice of the new registration.

Should the destruction or mutilation of the precinct registration book occur less than thirty days before any primary, general, or special election, the county board of elections shall, insofar as time will permit, adhere to the provisions of the first paragraph of this section. If the time available makes it impossible to conduct a new registration in the affected precinct, each person presenting himself to vote in the precinct on the day of the ensuing general or special election shall be allowed to cast his ballot after signing and delivering to the registrar an affidavit in the following form:

I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Carolina not inconsistent therewith; that I have been a resident of the State of North Carolina for one year, and of this precinct for thirty days;; that I am at least twenty-one years of age; and that I have not registered to vote in any other precinct.
So help me, God.

If the ensuing election is a primary rather than a general or special election, the following affidavit shall be used:

I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Carolina not inconsistent therewith; that I have been or will have been a resident of the State of North Carolina for one year, and of this precinct for thirty days by the date of the next general election; that I am at least twenty-one years of age or will be by the date of the next general election; and that I have not registered to vote in any other precinct. So help me, God.

Persons permitted to vote under this procedure may be challenged in accordance with the provisions of § 163-87 and § 163-88. The registrar shall deliver all affidavits deposited with him to the county board of elections on canvass day. The affidavits shall not be deemed to constitute a new record of registration for the precinct for subsequent primaries and elections.

(c) **Revision of registration books:** The county board of elections shall have power from time to time to order a revision of the registration books

of any or all precincts in the county by requiring that they be purged of illegal or disqualified voters, after notice to such registrants as herein directed.

When the county board of elections makes an order of revision it shall be directed to the registrar and judges of election of the precinct to which it relates, directing them to meet at the precinct voting place on the first Saturday of the registration period before any primary or election, and to prepare from the registration books a list of those registrants, with their names and addresses as they appear on the registration books, who are, in the opinion of the precinct officials, dead or disqualified to vote by removal from the precinct. When the list is prepared the precinct officials shall, within forty-eight hours, deliver it to the chairman of the county board of elections.

Upon receipt of the list described in the preceding paragraph, the chairman of the county board of elections shall cause to be mailed to each listed person, at the address shown on the list, a notice requiring him to appear at the precinct voting place on the Saturday prescribed for challenge day, and show that he is legally entitled to vote in that precinct. In lieu of a personal appearance on challenge day, the registrant may furnish evidence by mail or otherwise that he is qualified to vote in the precinct.

Upon failure of such a person to make a personal appearance on challenge day, or upon failure of such a person to offer satisfactory evidence that he is qualified to vote in the precinct in the approaching primary or election, the precinct officials shall strike his name from the registration book.

However, in the event that any person whose name has been removed from the registration book of a precinct under the provisions of this section should appear at the voting place on primary or election day and give satisfactory evidence to the registrar and judges that he has never received any notice by mail or otherwise that his name has been placed on the list of disqualified voters in that precinct, and can satisfy the precinct officials that he is qualified to vote in that precinct, then his name shall be re-entered on the registration book, and he shall be allowed to vote in that precinct as before.

§ 163-79 through § 163-83 reserved for future use.

ARTICLE 8.

CHALLENGES.

§ 163-84. Right to challenge; to whom challenge made.—The right of any person to register, to remain registered, or to vote in a precinct may be challenged by any registered voter of that precinct, including the precinct registrar and judges of election: Provided, however, that in counties which adopt full-time and permanent registration, any person registered to vote in the county may challenge the right of any other person to register, to remain registered, or to vote in that county. In all counties challenges shall be made to the appropriate precinct registrar, except that in counties which adopt full-time and permanent registration challenges made on days other than the day of a primary or election shall be made to the county board of elections. Challenges shall be made, heard, and decided as provided in this article.

§ 163-85. Special times for challenge; challenge procedure; notice of hearing.—It shall be the duty of the registrar to bring the registration books of his precinct to the precinct voting place on the Saturday immediately preceding each primary and election, and keep them open there from 9:00 a.m. until 3:00 p.m., for inspection by the registered voters of the precinct. During those hours any registered voter of the precinct shall be allowed to challenge the registration and voting rights of any

person whose name appears on the books. When an objection is entered, the registrar shall write the word "challenged" in pencil upon the registration book opposite the name of the person objected to, then he shall appoint a time and place at which he, together with the precinct judges of election, shall hear and decide the challenge. The hearing shall in all events be held before the date of the immediately succeeding primary or election. The registrar shall prepare a written notice of each challenge, stating succinctly the grounds asserted and the time and place at which the challenge will be heard, and serve or have it served on the challenged registrant. If a personal service is not possible, a copy of the notice shall be left at the residence of the challenged registrant. The registrar shall also furnish the challenger with a copy of the notice of hearing.

In counties which adopt full-time and permanent registration there shall be no single challenge day. In such counties the registration records shall be open to inspection by any registered voter of the county at reasonable hours on one or more days each week to be set by regulation of the county board of elections, at which time the registration of any elector of the county shall be subject to objection and challenge. Written notice of each challenge and hearing shall be prepared and served by the county board of elections in the manner in which registrars prepare and serve such notices in counties without full-time and permanent registration.

§ 163-86. Hearing on challenge made prior to primary or election day. —A challenge entered on a day other than the day of a primary or election shall be heard and decided before the date of the next ensuing primary or election. Challenges shall be heard and decided by the registrar and judges of election of the precinct in which the challenged registrant is registered, except in counties which adopt full-time and permanent registration where challenges entered on a day other than the day of a primary or election shall be heard and decided by the county board of elections.

At the time and place set for the hearing on a challenge entered prior to the date of a primary or election, the election officials conducting the hearing shall explain to the challenged registrant the qualifications for registration and voting in this State. The officials conducting the hearing shall then administer the following oath to the challenged registrant:

You swear (or affirm) that the statements and information you shall give in this hearing with respect to your identity and qualifications to be registered and to vote shall be the truth, the whole truth, and nothing but the truth; so help you, God.

After being sworn, the officials conducting the hearing shall examine the challenged registrant as to his qualifications to be registered and to vote. If the challenged registrant insists that he is qualified, the officials conducting the hearing shall tender to him the following oath or affirmation:

You do solemnly swear (or affirm) that you are a citizen of the United States; that you are at least twenty-one years of age or will become twenty-one by the date of the next general election; that you have or will have resided in this State for one year, and in the precinct for which registered for thirty days by the date of the next general election; that you are not disqualified from voting by the Constitution and laws of this State; that your name is _____, and that in such name you were duly registered as a voter of _____ precinct; and that you are the person you represent yourself to be. So help you, God.

If the challenged registrant refuses to take the tendered oath, the challenge shall be sustained, and the officials conducting the hearing shall delete his name from the registration records. If the challenged registrant takes the tendered oath, the officials conducting the hearing may, nevertheless, sustain the challenge unless they are satisfied that the challenged registrant is a legal voter. If they are satisfied that he is a legal

voter, they shall overrule the challenge and erase the word "challenged" which appears by the voter's name in the registration book.

Election officials conducting hearings on challenges shall have authority to administer the necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of the person challenged.

§ 163-87. Challenges allowed on day of primary or election.—On the day of a primary or election, at the time a registered voter offers to vote, any other registered voter of the precinct may exercise the right of challenge, and when he does so may enter the voting enclosure to make the challenge, but he shall retire therefrom as soon as the challenge is heard.

On the day of a party primary, any voter of the precinct who is registered as a member of the political party conducting the primary may, at the time any registrant proposes to vote, challenge his right to vote upon the ground that he does not affiliate with the party conducting the primary or does not in good faith intend to support the candidates nominated in that party's primary, and it shall be the duty of the registrar and judges of election to determine whether nor not the challenged registrant has a right to vote in that primary according to the procedures prescribed in § 163-88.

§ 163-88. Hearing on challenge made on day of primary or election.—A challenge entered on the day of a primary or election shall be heard and decided by the registrar and judges of election of the precinct in which the challenged registrant is registered before the polls are closed on the day the challenge is made. When the challenge is heard the precinct officials conducting the hearing shall explain to the challenged registrant the qualifications for registration and voting in this State, and shall examine him as to his qualifications to be registered and to vote. If the challenged registrant insists that he is qualified, and if, by the sworn testimony of at least one registered voter of the precinct, he shall prove his identity with the person in whose name he offers to vote and his continued residence in the precinct since he was registered, one of the judges of election or the registrar shall tender to him the following oath or affirmation, omitting the portions in brackets if the challenge is heard on the day of an election other than a primary:

You do solemnly swear (or affirm) that you are a citizen of the United States; that you are at least twenty-one years of age [or will become twenty-one by the date of the next general election]; that you have [or will have] resided in this State for one year, and in this precinct for thirty days [by the date of the next general election]; that you are not disqualified from voting by the Constitution and laws of this State; that your name is _____, and that in such name you were duly registered as a voter of this precinct; that you are the person you represent yourself to be; [that you are affiliated with the _____ Party]; and that you have not voted in this [primary] election at this or any other voting place. So help you, God.

If the challenged registrant refuses to take the tendered oath, the challenge shall be sustained, and the precinct officials conducting the hearing shall mark the registration records to reflect their decision, and they shall erase the challenged registrant's name from the poll book if it has been entered therein. If the challenged registrant takes the tendered oath, the precinct officials conducting the hearing may, nevertheless, sustain the challenge unless they are satisfied that the challenged registrant is a legal voter. If they are satisfied that he is a legal voter, they shall overrule the challenge and permit him to vote. Whenever any person's vote is received after having taken the oath prescribed in this section, the registrar or one of the judges of election shall write on the registration

record and on the poll book opposite the registrant's name the word "sworn."

Precinct election officials conducting hearings on challenges on the day of a primary or election shall have authority to administer the necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of the person challenged.

§ 163-89. Procedure for challenging absentee ballot and presidential ballot of new resident voter; right to appeal.—On election day any person registered to vote in a precinct may challenge an absentee voter's ballot or the presidential ballot of a new resident voter in his precinct. Each such ballot challenged shall be challenged separately. The challenge shall be addressed to the registrar, shall be written, and shall set out the specific reasons for the challenge, specifying why the ballot fails to comply with the law or why the absentee or new resident voter is not entitled to vote in the election.

When a challenge has been filed in accordance with the preceding paragraph, the registrar and judges shall proceed to hear the challenger's reasons for the challenge and make their decision without opening or removing the ballot from the container envelope. The burden of proof shall be upon the challenger in each case. The precinct officials conducting the hearing shall have authority to administer the necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of the voter challenged or to the validity or invalidity of the ballot.

If the challenge is sustained, the absentee or new resident voter's ballot shall not be counted; the container envelopes shall not be opened but shall be marked "Challenge Sustained." All envelopes so marked shall be filed with the county board of elections at the time of the county canvass when the precinct returns are filed. They shall be preserved intact by the chairman of the county board of elections for a period of six months, or longer if any contest shall then be pending concerning the validity of any absentee or new resident's ballot delivered to him.

If the challenge is not sustained, the absentee ballot or new resident's ballot shall be removed from the container envelope, deposited in the appropriate ballot box, counted, and tallied as provided in § 163-234.

Any voter whose ballot has been challenged under the provisions of this section may, if the challenge is sustained, either personally or through a duly authorized representative, appeal to the county board of elections on the day of the county canvass to sustain the validity of the voter's ballot, and if its validity is sustained, his ballot shall be counted and added by the board to the returns from the proper precinct.

In primary elections the provisions of this section shall apply to the ballots of servicemen seeking to avail themselves of the right to vote by absentee ballot under this chapter.

§ 163-90. Challenge as felon; answer not to be used on prosecution.—If any registered voter is challenged as having been convicted of any crime which excludes him from the right of suffrage, he shall be required to answer any question in relation to the alleged conviction, but his answers to such questions shall not be used against him in any criminal prosecution.

§ 163-91 through § 163-95 reserved for future use.

SUBCHAPTER IV.

POLITICAL PARTIES

ARTICLE 9.

POLITICAL PARTY DEFINITION.

§ 163-96. Political party defined; creation of new party.—(a) **Definition:** A political party within the meaning of the election laws of this State shall be either:

1. Any group of voters which, at the last preceding general State election, polled for its candidate for governor, or for presidential electors, at least ten per cent (10%) of the entire vote cast in the State for governor or for presidential electors; or

2. Any group of voters which shall have filed with the State Board of Elections petitions for the formation of a new political party which are signed by (10,000) persons who, at the time they sign, are registered and qualified voters in this State, and which comply with the conditions prescribed in subsection (b) of this section. To be effective, the petitioners must file their petitions with the State Board of Elections before 12 o'clock noon on the first day of July preceding the day on which is to be held the first general State election in which the new political party desires to participate. The State Board of Elections shall forthwith determine the sufficiency of petitions filed with it and shall immediately communicate its determination to the State chairman of the proposed new political party.

(b) **Petitions for new political party:** Petitions for the formation of a new political party must declare that the signers intend to organize a new political party on a State-wide basis, that they intend to participate as a political party in the next succeeding general election, and that they intend to affiliate with the new party by voting for its nominees.

The petitions must specify the name selected for the proposed political party. The State Board of Elections shall reject petitions for the formation of a new party if the name chosen contains any word that appears in the name of any existing political party recognized in this State or if, in the Board's opinion, the name is so similar to that of an existing political party recognized in this State as to confuse or mislead the voters at an election.

The petitions must state the name and address of the State chairman of the proposed new political party.

The validity of the signatures on the petitions shall be proved in accordance with one of the following alternative procedures:

1. The signers may acknowledge their signatures before an officer authorized to take acknowledgments, after which that officer shall certify the validity of the signatures by appropriate notation attached to the petition, or

2. A person in whose presence a petition was signed may go before an officer authorized to take acknowledgments and, after being sworn, testify to the genuiness of the signatures on the petition, after which the officer before whom he has testified shall certify his testimony by appropriate notation attached to the petition.

Each petition shall be presented to the chairman of the board of elections of the county in which the signatures were obtained, and it shall be the chairman's duty:

1. To examine the signatures on the petition and place a check mark on the petition by the name of each signer who is qualified and registered to vote in his county.

2. To attach to the petition his signed certificate (a) stating that the signatures on the petition have been checked against the registration records and (b) indicating the number found qualified and registered to vote in his county.

3. To return each petition, together with the certificate required by the preceding paragraph, to the person who presented it to him for checking. The group of petitioners shall pay to the chairman of the county board of elections a fee of five cents (5¢) for each signature he is required to examine and verify under the provisions of this subsection.

§ 163-97. Termination of status as political party.—When any political party fails to poll for its candidate for governor, or for presidential electors, at least ten per cent (10%) of the entire vote cast in the State for governor or for presidential electors at a general election, it shall cease to be a political party within the meaning of the primary and general election laws and all other provisions of this chapter.

§ 163-98. General election participation by new political party.—In the first general election following the date on which a new political party qualifies under the provisions of § 163-96, it shall be entitled to have the names of its candidates for State, congressional, and national offices printed on the official ballots, but it shall not be entitled to have the names of candidates for other offices printed on State, district, or county ballots at that election.

For the first general election following the date on which it qualifies under § 163-96, a new political party shall select its candidates by party convention. Following adjournment of the nominating convention, but not later than the first day of August prior to the general election, the president of the convention shall certify to the State Board of Elections the names of persons chosen in the convention as the new party's candidates for State, congressional, and national offices in the ensuing general election. The State Board of Elections shall print names thus certified on the appropriate ballots as the nominees of the new party.

§ 163-99 through § 163-103 reserved for future use.

SUBCHAPTER V.

NOMINATION OF CANDIDATES

ARTICLE 10.

PRIMARY ELECTIONS.

§ 163-104. Primaries governed by general election laws; authority of State Board of Elections to modify time schedule.—Unless otherwise provided in this chapter, primary elections shall be conducted as far as practicable in accordance with the general election laws of this State. All provisions of this chapter and of other laws governing elections, not inconsistent with this article and other provisions of law dealing specifically with primaries, shall apply as fully to primary elections and to the acts and things done thereunder as to general elections. Nevertheless, for purposes of primary elections the State Board of Elections may, by general rule, modify the general election law time schedule with regard to ascertaining, declaring, and reporting results.

All acts made criminal if committed in connection with a general election shall likewise be criminal, with the same punishment, when committed in a primary election held under the provisions of this chapter.

§ 163-105. Payment of expense of conducting primary elections.—The expense of printing and distributing the poll and registration books, blanks, and ballots for those offices required by § 163-108(b) to be furnished by the State, and the per diem and expenses of the State Board of Elections while engaged in the discharge of primary election duties imposed by law upon that Board, shall be paid by the State.

The expenses of printing and distributing the ballots for those offices required by § 163-108(c) to be furnished by counties, and the per diem (or salary) and expenses of the county board of elections and the registrars and judges of election, while engaged in the discharge of primary election duties imposed by law upon them, shall be paid by the counties.

§ 163-106. Notices of candidacy; pledge; with whom filed; date for filing; withdrawal.—(a) **Notice and pledge:** No one shall be voted for in a primary election unless he shall have filed a notice of candidacy with the appropriate board of elections, State or county, as required by this section. To this end every candidate for selection as the nominee of a political party shall file with and place in the possession of the board of elections specified in subsection (c) of this section, a notice and pledge in the following form:

Date _____

I hereby file notice as a candidate for nomination as _____ in the _____ Party Primary Election to be held on _____, 19_____. I affiliate with the _____ Party, [and I certify that I am now registered on the registration records of the precinct in which I reside as an affiliate of the _____ Party.] I pledge to abide by the results of the primary and to support in the next general election all candidates nominated by the _____ Party.

I further pledge that if I am defeated in the primary I will not run for any office as a write-in candidate in the next general election.

(Signed) _____
Name of candidate

Witness:

(Title of witness)

Each candidate shall sign his notice of candidacy in the presence of the chairman or secretary of the board of elections, State or county, with which he files. In the alternative, a candidate may have his signature on the notice of candidacy acknowledged and certified to by an officer authorized to take acknowledgments and administer oaths, in which case the candidate may mail his notice of candidacy to the appropriate board of elections.

In signing his notice of candidacy the candidate shall use only his legal name and, in his discretion, any nickname by which he is commonly known.

A notice of candidacy signed by an agent or any person other than the candidate himself shall be invalid.

Prior to the seventh Saturday before the primary, at State expense the State Board of Elections shall print and furnish to each county board of elections a sufficient number of the notice of candidacy forms prescribed by this subsection for use by candidates required to file with county boards of elections.

(b) **Eligibility to file:** No person shall be permitted to file as a candidate in a primary if, at the time he offers to file notice of candidacy, he is registered on the appropriate registration book or record as an affiliate of a political party other than that in whose primary he is attempting to file.

A person registered as an Independent shall be ineligible to file as a candidate in a primary election.

A person registered with no record of party affiliation shall be ineligible to file as a candidate in a primary election.

An unregistered person who desires to become a candidate in a party primary may do so if, at the time he files notice of candidacy, he signs and deposits with the election official with whom he files, a written pledge that he will, during the registration period prior to the next primary, register as an affiliate of the political party in whose primary he intends to run as a candidate. This may be accomplished by inserting in lieu of the bracketed phrase in the notice form set out in subsection (a) of this section, the following: "and I certify that I will register on the registration book or record of the precinct in which I reside as an affiliate of the

----- Party prior to the date of the primary in which I seek nomination."

(c) **Time for filing notice of candidacy:** Candidates seeking party primary nomination for the following offices may file their notices of candidacy with the State Board of Elections at any time but shall do so not later than 12:00, noon, on the Friday preceding the tenth Saturday before the primary election in which they seek to run:

Governor,
Lieutenant Governor,
all State executive officers,
Justices of the Supreme Court,
judges of the superior courts,
judges of the district courts,
United States Senators,
members of the House of Representatives of the United States,
solicitors.

A candidate seeking party primary nomination for one of the following offices may file his notice of candidacy with the board of elections of the county in which he resides at any time but shall do so not later than 12:00, noon, on the Friday preceding the sixth Saturday before the primary election in which he seeks to run:

State Senators,
members of the State House of Representatives,
all county offices,
all township offices.

(d) **Notice of candidacy for certain offices to indicate vacancy:** In any primary in which there are two or more vacancies for chief justice and associate justices of the Supreme Court, or two vacancies for United States Senator from North Carolina, or two or more vacancies for the office of superior court judge to be filled by nominations, each candidate shall, at the time of filing notice of candidacy, file with the State Board of Elections a written statement designating the vacancy to which he seeks nomination. Votes cast for a candidate shall be effective only for his nomination to the vacancy for which he has given notice of candidacy as provided in this subsection.

A person seeking party nominations for a specialized district judgeship established under § 7A-147 shall, at the time of filing notice of candidacy, file with the State Board of Elections a written statement designating the specialized judgeship to which he seeks nomination.

In any primary in any Senatorial or Representative District entitled to elect more than one State Senator or member of the State House of Representatives, the positions being numbered as provided in G. S. 163-117 each candidate for nomination to the Senate or House of Representatives shall file with the appropriate county board of elections, at the time of filing notice of candidacy, a notice designating by number the seat to which he seeks nomination. Each seat shall be considered a separate office within the terms of G. S. 163-110, 163-114, and 163-115, and all other provisions of law governing nomination and election. No candidate shall be entitled to file for more than one seat. Votes cast for any candidate shall be effective only for the seat for which he has filed.

(e) **Withdrawal of notice of candidacy:** Any person who has filed notice of candidacy for an office shall have the right to withdraw it at any time prior to the date on which the right to file for that office expires under the terms of subsection (c) of this section. (1967-c. 1063)

§ 163-107. Filing fees required of candidates in primary; refunds.—
(a) **Fee schedule:** At the time of filing a notice of candidacy, each candidate shall pay to the board of elections with which he files under the provisions of § 163-106 a filing fee for the office he seeks in the amount specified in the following tabulation:

Office sought	Amount of filing fee
Governor	One per cent (1%) of the annual salary of the office sought
Lieutenant Governor	One per cent (1%) of the annual salary of the office sought
All State executive offices	One per cent (1%) of the annual salary of the office sought
Justices of the Supreme Court	One per cent (1%) of the annual salary of the office sought
Judges of the Superior Courts	One per cent (1%) of the annual salary of the office sought
Judges of the District Courts	One per cent (1%) of the annual salary of the office sought
Solicitors	One per cent (1%) of the annual salary of the office sought
United States Senator	One per cent (1%) of the annual salary of the office sought
Members of the United States House of Representatives	One per cent (1%) of the annual salary of the office sought

State Senator	One per cent (1%) of the annual salary of the office sought
Member of the State House of Representatives	One per cent (1%) of the annual salary of the office sought
All county offices not compensated by fees	One per cent (1%) of the annual salary of the office sought
All township offices not compensated by fees	One per cent (1%) of the annual salary of the office sought
County commissioners, if compensated entirely by fees	\$10.00
Members of county board of education, if compensated entirely by fees	\$5.00
Sheriff, if compensated entirely by fees	\$40.00, plus one per cent (1%) of the income of the office above \$4,000.00
Clerk of superior court, if compensated entirely by fees	\$40.00, plus one per cent (1%) of the income of the office above \$4,000.00
Register of deeds, if compensated entirely by fees	\$40.00, plus one per cent (1%) of the income of the office above \$4,000.00
Any other county office, if compensated entirely by fees	\$20.00 plus one per cent (1%) of the income of the office above \$2,000.00
Constable, if compensated entirely by fees	\$10.00, plus one per cent (1%) of the income of the office above \$1,000.00
Justice of the peace, if compensated entirely by fees	\$10.00, plus one per cent (1%) of the income of the office above \$1,000.00
All county and township offices compensated partly by salary and partly by fees	One per cent (1%) of the first annual salary to be received (exclusive of fees)

(b) **Refund of fees:** If any person who has filed a notice of candidacy and paid the filing fee prescribed in subsection (a) of this section, withdraws his notice of candidacy within the period prescribed in § 163-106(e), he shall be entitled to have the fee he paid returned. If the fee was paid to the State Board of Elections, the chairman of that Board shall certify to the Auditor that the refund should be made, and the Auditor shall give his warrant upon the Treasurer of the State who shall make the refund payment. If the fee was paid to a county board of elections, the chairman of the board shall certify to the county accountant that the refund should be made, and the county accountant shall make the refund in accordance with the provisions of the County Fiscal Control Act.

If any person files a notice of candidacy and pays a filing fee to a board of elections other than that with which he is required to file under the provisions of § 163-106(c), he shall be entitled to have the fee refunded in the manner prescribed in this subsection for refund upon withdrawal of candidacy if he requests the refund before 12:00, noon, on Friday preceding the sixth Saturday before the primary.

§ 163-108. Certification of notices of candidacy.—(a) Within three days after the time for filing notices of candidacy with the State Board of Elections under the provisions of § 163-106(c) has expired, the chairman or secretary of that Board shall certify to the Secretary of State the name, address, and party affiliation of each person who has filed with the State Board of Elections, indicating in each instance the office sought.

(b) Prior to the fourth Saturday before the primary election, the chairman of the State Board of Elections shall certify to the chairman of the county board of elections in each county in the appropriate district the names of candidates for nomination to the following offices who have filed the required notice and pledge and paid the required filing fee to the State Board of Elections, so that their names may be printed on the official county ballots:

superior court judge,
district court judge, and
solicitor.

(c) In representative districts composed of more than one county and in multi-county senatorial districts in which there is no rotation agreement as provided in § 163-116, the chairman or secretary of the county board of elections in each county shall, within three days after the time for filing notices of candidacy under the provisions of § 163-106(c) has expired, certify to the State Board of Elections (1) the names of all candidates who have filed notice of candidacy in his county for member of the State Senate, or, if such is the fact, that no candidates have filed in his county for that office, and (2) the names of all candidates who have filed notice of candidacy in his county for the office of member of the State House of Representatives, or, if such is the fact, that no candidates have filed in his county for that office. The chairman of the county board of elections shall forward a copy of this report to the chairman of the board of elections of each of the other counties in the representative or senatorial district. Within ten days after the time for filing notices of candidacy for those offices has expired, the chairman or secretary of the State Board of Elections shall certify to the chairman of the county board of elections in each county of each multi-county representative and senatorial district the names of all candidates for the House of Representatives and Senate which must be printed on the county ballots.

(d) Within two days after he receives each of the letters of certification from the chairman of the State Board of Elections required by subsections (b) and (c) of this section, each county elections board chairman shall acknowledge receipt by letter addressed to the chairman of the State Board of Elections.

§ 163-109 Primary ballots, printing and distribution.—(a) General: In primary elections there shall be as many kinds of official State, district, county and township ballots as there are legally recognized political parties, members of which have filed notice of their candidacy for nomination. The ballots for each political party shall be printed to conform to the requirements of § 163-140(c) and to show the party's name, the name of each party member who has filed notice of candidacy, and the office for which each aspirant is a candidate.

Only those who have filed the required notice of candidacy and pledge with the proper board of elections, and who have paid the required filing fee, shall have their names printed on the official ballots of the political party with which affiliated.

(b) **Ballots to be furnished by State Board of Elections:** It shall be the duty of the State Board of Elections to print official ballots for each political party having candidates for the following offices to be voted for in the primary:

United States Senator,
Member of the House of Representatives of the United States Congress,

Governor, and

All other State offices, except superior court judge, district court judge, and solicitor.

In its discretion, the State Board of Elections may print separate primary ballots for each of these offices, or it may combine some or all of them on a single ballot.

At least 30 days before the date of the primary, the State Board of Elections shall deliver a sufficient number of these ballots to each county board of elections. The chairman of the county board of elections shall furnish the chairman of the State Board of Elections with a written receipt for the ballots delivered to him within two days after their receipt.

(c) **Ballots to be furnished by county board of elections:** It shall be the duty of the county board of elections to print official ballots for each political party having candidates for the following offices to be voted for in the primary:

Superior court judge,

District court judge,

Solicitor,

State Senator,

Member of the House of Representatives of the General Assembly,

All county offices, and

All township offices.

In printing primary ballots, the county board of elections shall be governed by instructions of the State Board of Elections with regard to width, color, kind of paper, form, and size of type.

In its discretion, the county board of elections may print separate primary ballots for the district, county, and township offices listed in this subsection, or it may combine some or all of them on a single ballot.

In a primary election, if there shall be 10 or more candidates for nomination to any one office, the county board of elections in its discretion may prepare a separate ballot for said office.

County Boards of Elections in Senatorial and Representative Districts entitled to more than one seat in the State Senate or State House of Representatives shall have ballots for membership in those bodies printed to designate by number the Senate or House seat to which each candidate seeks nomination.

The authority for designating the numbers to be assigned in each Senate and House District covered under this Act shall be vested in the State Board of Elections.

Three days before the primary election, the chairman of the county board of elections shall distribute official State, district, county, and township ballots to the registrar of each precinct in his county, and the registrar shall give him a receipt for the ballots received. On the day of the primary it shall be the registrar's duty to have all the ballots delivered to him available for use at the precinct voting place. (1967-c. 1063-c. 1270)

§ 163-110. Sole candidate declared nominee. If only one aspirant files notice of candidacy for nomination for a given office by the party with which he affiliates, the appropriate board of elections shall, upon the expiration of the time fixed by § 163-106 for filing notice of candidacy for that office, declare him the nominee of his party. For the following offices, this declaration shall be made by the county board of elections with which the aspirant filed notice of candidacy: all county offices, all township offices, State Senators in single-county senatorial districts, and members of the State House of Representatives in single-county representative districts. For all other offices, this declaration shall be made by the State Board of Elections. When the sole aspirant has been declared his party's nominee for an office as provided in this section, his name shall not be printed on the primary ballot, but it shall be printed on the ballot to be voted at the general election as his party's candidate for that office.

§ 163-111. Determination of primary results; second primaries.—(a) **Nomination determined by majority; definition of majority:** Except as otherwise provided in this section, nominations in primary elections shall be determined by a majority of the votes cast. A majority within the meaning of this section shall be determined as follows:

1. If a nominee for a single office is to be selected, and there is more than one person seeking nomination, the majority shall be ascertained by dividing the total vote cast for all aspirants by two. Any excess of the sum so ascertained shall be a majority, and the aspirant who obtains a majority shall be declared the nominee.

2. If nominees for two or more offices (constituting a group) are to be selected, and there are more persons seeking nomination than there are offices, the majority shall be ascertained by dividing the total vote cast for all aspirants by the number of positions to be filled, and by dividing the result by two. Any excess of the sum so ascertained shall be a majority, and the aspirants who obtain a majority shall be declared the nominees. If more candidates obtain a majority than there are positions to be filled, those having the highest vote (equal to the number of positions to be filled) shall be declared the nominees.

(b) **Right to demand second primary:** If an insufficient number of aspirants receive a majority of the votes cast for a given office or group of offices in a primary, a second primary, subject to the conditions specified in this section, shall be held:

1. If a nominee for a single office is to be selected and no aspirant receives a majority of the votes cast, the aspirant receiving the highest number of votes shall be declared nominated by the appropriate board of elections unless the aspirant receiving the second highest number of votes shall request a second primary in accordance with the provisions of subsection (c) of this section. In the second primary only the two aspirants who received the highest and next highest number of votes shall be voted for.

2. If nominees for two or more offices (constituting a group) are to be selected and aspirants for some or all of the positions within the group do not receive a majority of the votes, those candidates equal in number to the positions remaining to be filled and having the highest number of votes shall be declared the nominees unless some one or all of the aspirants equal in number to the positions remaining to be filled and having the second highest number of votes shall request a second primary in accordance with the provisions of subsection (c) of this section. In the second primary to select nominees for the positions in the group remaining to be filled, the names of all those candidates receiving the highest number of votes and all those receiving the second highest number of votes and demanding a second primary shall be printed on the ballot.

(c) **Procedure for requesting second primary:**

1. An aspirant entitled to demand a second primary for one of the offices listed below, and desiring to do so, shall file a request for a second primary in writing or by telegram with the State Board of Elections by 12:00, noon, on the third day after the result of the first primary has been officially declared:

Governor,

Lieutenant Governor,

All State executive officers,

Justices of the Supreme Court,

Judges of the superior courts,

Judges of the district courts,

United States Senators,

Members of the United States House of Representatives,

Solicitors,

State Senators in multi-county senatorial districts not having rotation agreements,

Members of the State House of Representatives in multi-county representative districts.

2. An aspirant entitled to demand a second primary for one of the offices listed below, and desiring to do so, shall file a written request for a second primary with the board of elections in the county in which he filed notice of candidacy by 12:00, noon, on the fifth day after the result of the first primary has been officially declared:

State Senators in single-county senatorial districts

State Senators in multi-county senatorial districts having rotation agreements

Members of the State House of Representatives in single-county representative districts

All county officers

All township officers

(d) Tie votes; how determined:

1. In the event of a tie for the highest number of votes in a first primary between two candidates for party nomination for a single county, township, or single-county legislative district office (or for the State Senate in a multi-county district having a rotation agreement), the board of elections of the county in which the two candidates were voted for shall conduct a recount and declare the results. If the recount shows a tie vote, a second primary shall be held on the date prescribed in subsection (e) of this section between the two candidates having an equal vote, unless one of the aspirants, within three days after the result of the recount has been officially declared, files a written notice of withdrawal with the board of elections with which he filed notice of candidacy. Should that be done, the remaining aspirant shall be declared the nominee. In the event of a tie for the highest number of votes in a first primary among more than two candidates for party nomination for one of the offices mentioned in this paragraph, no recount shall be held, but all of the tied candidates shall be entered in a second primary.

2. In the event of a tie for the highest number of votes in a first primary between two candidates for a State office, for United States Senator, or for any district office (including State Senator in a multi-county senatorial district having no rotation agreement and member of the State House of Representatives in a multi-county representative district), no recount shall be held by reason of the tie, but the two candidates having an equal vote shall be entered in a second primary to be held on the date prescribed in subsection (e) of this section, unless one of the two candidates files a written notice of withdrawal with the State Board of Elections within three days after the result of the first primary has been officially declared and published. Should that be done, the remaining aspirant shall be declared the nominee. In the event of a tie for the highest number of votes in a first primary among more than two candidates for party nomination for one of the offices mentioned in this paragraph, no recount shall be held, but all of the tied candidates shall be entered in a second primary.

3. In the event one candidate receives the highest number of votes cast in a first primary, but short of a majority, and two or more of the other candidates receive the second highest number of votes cast in an equal number, the proper board of elections shall declare the candidate having the highest vote to be the party nominee, unless all but one of the tied candidates give written notice of withdrawal to the proper board of elections within three days after the result of the first primary has been officially declared. If all but one of the tied candidates withdraw within the prescribed three-day period, and the remaining candidate demands a second primary in accordance with the provisions of subsection (c) of this section, a second primary shall be held between the candidate who received the highest vote and the remaining candidate who received the second highest vote.

(e) Date of second primary; procedures: If a second primary is required under the provisions of this section, the appropriate board of elections, State or county, shall order that it be held four weeks after the first primary.

There shall be no registration of voters between the dates of the first and second primaries. Persons whose qualifications to register and vote mature after the day of the first primary and before the day of the second primary may register on the day of the second primary and, when thus registered, shall be entitled to vote in the second primary. Subject to this provision for registration, the second primary shall be held under the laws, rules, and regulations provided for the first primary.

(f) No third primary permitted: In no case shall there be a third primary. The candidates receiving the highest number of votes in the second primary shall be nominated. If in a second primary there is a tie for the highest number of votes between two candidates, the proper party executive committee shall select the party nominee for the office in accordance with the provisions of § 163-114.

§ 163-112. Death of candidate before primary; filling vacancy.—If at the time the filing period closes only two persons have filed notice of candidacy for nomination by a given political party for a given office and thereafter, before the primary, one of the aspirants dies before the primary ballots are printed, the proper board of elections shall, upon notification of the death, immediately re-open the filing period for an additional five days during which additional candidates shall be permitted to file for the same party's nomination for the same office. If the primary ballots have been printed at the time the board of elections receives notice of the aspirant's death, it shall determine whether there will be sufficient time in which to reprint ballots before the primary in the event the filing period is re-opened for five days. If the board determines there will be sufficient time in which to reprint the ballots, it shall immediately re-open the filing period for an additional five days in which additional candidates shall be permitted to file for the same party's nomination for the same office. Should one or more persons file notice of candidacy during the extended filing period their names shall be printed on the primary ballots together with that of the aspirant who filed during the original filing period and shall be voted for in the primary.

If the primary ballots have been printed at the time the board of elections receives notice of the candidate's death, and if the board determines there will not be sufficient time in which to reprint the ballots before the primary if the filing period is re-opened for five days, then, regardless of whether one or more aspirants filed for nomination by the deceased candidate's party for the same office, the primary ballots shall not be reprinted, and the name of the deceased candidate shall not be deleted, striken, or obliterated from the ballots. In such a case, should the deceased candidate poll the highest number of votes in the primary for party nomination to the office he sought, even though short of a majority, the proper party executive committee shall appoint the party nominee under the provisions of § 163-114. Should no candidate for the party nomination receive a majority of the votes cast in the primary and the second highest vote be cast for the deceased candidate, no second primary shall be held, and the proper board of elections shall declare the candidate receiving the highest vote the party's nominee for the office.

§ 163-113. Nominee's right to withdraw as candidate.—A person who has been declared the nominee of a political party for a specified office under the provisions of § 163-175, § 163-192, or § 163-110, shall not be permitted to resign as a candidate unless at least 30 days before the general election, he submits to the board of elections which certified his nomination a written request that he be permitted to withdraw.

§ 163-114. Filling vacancies among party nominees occurring after

nomination and before election.—If any person nominated as a candidate of a political party for one of the offices listed below (either in a primary or convention or by virtue of having no opposition in a primary) dies, resigns, or for any reason becomes ineligible or disqualified before the date of the ensuing general election, the vacancy shall be filled by appointment according to the following instructions:

Position	Vacancy is to be filled by appointment of
Any elective State office	State executive committee of political party in which vacancy occurs
United States Senator	
A district office, including Member of the United States House of Representatives	
Judge of superior court	Appropriate district executive committee of political party in which vacancy occurs
Judge of district court	
Solicitor	
State Senator in a multi-county senatorial district not having a rotation agreement	
Member of State House of Representatives in a multi-county representative district	
State Senator in a single-county senatorial district	County executive committee of political party in which vacancy occurs, but if the vacancy arises from a cause other than death, the vacancy shall not be filled unless the board of elections in the county in which the vacancy occurs issues an order to that effect
State Senator in a multi-county senatorial district having a rotation agreement	
Member of State House of Representatives in a single county representative district	
Any elective county office	
Any elective township office	

The party executive committee making a nomination in accordance with the provisions of this section shall certify the name of its nominee to the chairman of the board of elections, State or county, charged with the duty of printing the ballots on which the name is to appear. If at the time a nomination is made under this section the general election ballots have already been printed, the provisions of § 163-139 shall apply.

§ 163-115. Special provisions for obtaining nominations when vacancies occur in certain offices.—In the event a vacancy occurs in the office of clerk of superior court less than 30 days before a general election, the county executive committee of each political party may make a nomination as provided in § 163-114.

In the event a special election is called to fill a vacancy in the State's delegation in the United States House of Representatives, the provisions of § 163-13 shall apply.

If a vacancy occurs in an elective State or district office (other than member of the United States House of Representatives) during the period opening 10 days before the filing period for the office ends and closing 30 days before the ensuing general election, a nomination shall be made by the proper executive committee of each political party as provided in § 163-114, and the names of the nominees shall be printed on the general election ballots, unless the ballots have already been printed when the nominations are made, in which case the provisions of § 163-139 shall apply.

§ 163-116. Agreements for rotation of candidates in senatorial districts of more than one county.—When any senatorial district consists of two or more counties, in one or more of which the manner of nominating

candidates for legislative offices is regulated by statute, and the privilege of selecting the candidate for Senator, or any one of the candidates for Senator, of any political party (as the words "political party" are defined in § 163-96) in the senatorial district, is, by agreement of the several executive committees representing that political party in the counties constituting the district, conceded to one county therein, such candidate may be selected in the same manner as the party's candidates for county officers in the county, whether in pursuance of statute or under the plan of organization of such party. All nominations of party candidates for the office of Senator, made as hereinbefore provided, shall be certified by the chairman of the county board of elections of the county in which the nomination is made, to each chairman of the county board of elections in all of the counties constituting the senatorial district, and it shall be the duty of each chairman of the other counties to which the nominations are certified to print the name or names of the nominee or nominees on the official county ballot for the general election.

§ 163-117. Seats in State Senate and House of Representatives to be Numbered Within Senatorial and Representative Districts; Each Seat a Separate Office. In each Senatorial and Representative District entitled to elect more than one State Senator or member of the State House of Representatives the position shall bear identifying numbers, as follows: 'Senate Seat 1', 'Senate Seat 2', etc., or 'House Seat 1', 'House Seat 2', etc. Each seat shall be considered a separate office within the terms of G.S. 163-113, 163-122, 163-137, 163-140, 163-151, 163-169, 163-170, 163-175, 163-176, 163-177, 163-179, 163-180, 163-181, and all other provisions of law governing nomination and election. Votes cast for any candidate in a general election shall be effective only for the seat for which he has been nominated by a political party or for which he has filed his independent candidacy under G. S. 163-122. (1967-c. 1063)

§ 163-118. Numbers assigned to Senate and House seats to be designated by State Board of Elections.—The authority for designating the numbers to be assigned in each Senate and House district covered under § 163-117, subsection (d) of § 163-106 and subsection (c) of § 163-109 shall be vested in the State Board of Elections. (c. 1270 1967)

§ 163-119 through § 163-121 reserved for future use.

ARTICLE 11.

NOMINATION BY PETITION.

§ 163-122. Independent candidates nominated by petition.—Any qualified voter who seeks to have his name printed on the general election ballot as an independent or non-partisan candidate shall:

1. On or before the last Saturday in May preceding the general election, file with the appropriate board of elections, State or county, written petitions requesting him to be a candidate for a specified office, signed by qualified voters of the political division in which the office will be voted for equal in number to twenty-five per cent (25%) of those who, in the last gubernatorial election in the same political division, voted for Governor.

2. At the time of filing the petitions referred to in paragraph 1 of this section, file with the chairman or secretary of the appropriate board of elections his affidavit that he seeks to become an independent or non-partisan candidate for the office specified and that he does not affiliate with any political party.

When the provisions of this section have been complied with, the board of elections with which the petitions and affidavit have been filed shall cause the independent candidate's name to be printed on the general election ballots in accordance with the provisions of § 163-140.

§ 163-123 through § 163-127 reserved for future use.

SUBCHAPTER VI.

CONDUCT OF PRIMARIES AND ELECTIONS

ARTICLE 12.

PRECINCTS AND VOTING PLACES.

§ 163-128. Election precincts and voting places established or altered.—Each county shall be divided into a convenient number of precincts for purposes of registration and voting, but no precinct shall encompass territory from more than one township. There shall be one voting place in each precinct conveniently located for a majority of the voters therein.

The county board of elections may adopt the present election precincts and voting places, or by resolution it may establish new ones, but the precincts and voting places fixed in each county shall remain as they now are until altered.

The county board of elections shall have power from time to time, by resolution, to establish, alter, discontinue, or create such new election precincts and voting places as it may deem expedient. Upon adoption of a resolution establishing, altering, or discontinuing a precinct or voting place the county board of elections shall give 20 days' notice thereof prior to the beginning of the registration period at which it is to take effect, by advertising in some newspaper having general circulation in the county, or in lieu thereof, at the courthouse door and at three other public places in the county.

§ 163-129. Structure at voting place; marking off limits of voting place.—At the voting place in each precinct established under the provisions of § 163-128, the county board of elections shall provide or procure by lease or otherwise a suitable structure or part of a structure in which registration and voting may be conducted. To this end, the county board of elections shall be entitled to demand and use any school or other state, county, or municipal building, or a part thereof, for the purpose of conducting registration and voting for any primary or election, and it may require that the requisitioned premises, or a part thereof, be vacated for these purposes.

The county board of elections shall inspect each precinct voting place to ascertain how it should be arranged for voting purposes. In its discretion, the county board of elections may direct the registrar and judges of any precinct to define the voting place by roping off the area or otherwise enclosing it to insure that at no point the limits lie more than one hundred feet from the ballot boxes or voting machines. The space roped off or enclosed for the voting place may contain area both inside and outside the structure in which registration and voting are to take place.

§ 163-130 through § 163-134 reserved for future use.

ARTICLE 13.

GENERAL INSTRUCTIONS.

§ 163-135. Applicability of article.(a) **In general:** The provisions of this article shall apply to all elections in all counties, cities, towns, townships, and school districts in the State of North Carolina.

(b) **Primary elections:** The provisions of this article shall apply to all primary elections held in this State, or in any county, as fully as it applies to general elections.

(c) **Special elections:** Every election held in pursuance of a writ from the Governor shall be conducted in accordance with the provisions of this article, so far as the particular case can be governed by general rules.

(d) **Referenda:** This article shall apply to and control all elections for the issuance of bonds and to all other elections in which any constitutional amendment, question, or issue is submitted to a vote of the people.

(e) **Municipal primaries and elections:** With respect to all municipal primaries and elections, wherever in this article appear the words "county board of elections" shall be deemed to be written the words "city or town governing body"; and wherever appears the words "chairman of board of elections" shall be deemed to be written the words "mayor of town or city."

§ 163-136. Preparation, distribution, and financing of ballots.—(a) Ballots a public expense: All ballots cast in the elections, primaries, and referenda listed below shall be printed and distributed at public expense:

1. General and special elections for national, State, district, county, and municipal offices in the counties, districts, cities, towns, and other political subdivisions of the State.

2. Primaries for nomination of candidates for the offices listed in the preceding paragraph.

3. Elections or referenda for the issuance of bonds.

4. Elections or referenda in which any constitutional amendment, question or issue is submitted to a vote of the people.

(b) **Printing and distribution:** The printing and distribution of ballots shall be arranged, handled, and paid for as follows:

1. For municipal elections, primaries, and referenda, by the municipal authorities conducting the election, primary, or referendum, at the expense of the municipality.

2. For county, township, single-county district, and legislative district elections, primaries, and referenda, by the responsible county board of elections, at the expense of the county.

3. For all elections, primaries, and referenda not specified in the two preceding paragraphs, by the State Board of Elections, at the expense of the State.

(c) **Paper ballots for general and county bond elections where voting machines are used:** In counties in which voting machines are used at some or all voting places, paper ballots shall be printed for purposes of absentee voting in State-wide general elections and in county bond elections under the provisions of Articles 20 and 21. (1967-c. 952)

§ 163-137. General and special election ballots; names and questions to be printed thereon; distribution.—(a) The ballots printed for use in general and special elections under the provisions of this article shall contain:

1. The names of all candidates who have been put in nomination in accordance with the provisions of this chapter by any political party recognized in this State.

2. The names of all persons who have qualified as independent candidates under the provisions of § 163-122.

3. All questions, issues, and propositions to be voted on by the people.

(b) The ballots prepared for use in general and special elections under the provisions of this article by the State Board of Elections shall be printed and delivered to the county boards of elections at least 45 days prior to the date of any election in which absentee voting is permitted and at least 30 days prior to the date of any election in which absentee voting is not permitted.

§ 163-138. Instructions for printing names on primary and election ballots.—In preparing primary, general, and special election ballots, the

legal name of a candidate (together with his nickname in the situation outlined below) shall be printed precisely as it appears on the notice of candidacy form filed in accordance with § 163-106 or in petition forms filed in accordance with § 163-122. If the candidate has inserted a nickname on the notice of candidacy or in the petition, it shall be printed on the ballot immediately before the candidate's surname and shall be enclosed by parenthesis. No title, appendage, or appellation indicating rank, status, or position, shall be printed before or following or as a nickname or in connection with the name of any candidate on any ballot. Nevertheless, a candidate who is a married woman may use the prefix "Mrs." and a candidate who is a single woman may use the prefix "Miss" before her name if she so elects.

§ 163-139. Reprinting ballots when substitute candidate is named.—

(a) **Before general or special elections:** After the official ballots for a general or special election have been printed by the proper elections board, the death, resignation, or disqualification of a candidate whose name appears on the official ballots shall not require that the ballots be reprinted, although the responsible board of elections may have the ballots reprinted if it desires to do so.

If a candidate dies, resigns, or otherwise becomes disqualified after his name has been printed on an official general or special election ballot, and if a nomination has been made to fill the vacancy as authorized by § 163-114, the name of the substituted nominee shall not appear on the official ballots unless the responsible board of elections decides that it is feasible and advisable to reprint the ballots to show the name of the substituted nominee. If the ballots are not reprinted, a vote cast for the candidate whose name is printed on the ballot shall be counted as a vote for the substituted candidate whose name has been certified to the appropriate board of elections under the provisions of § 163-114.

(b) **Before primary election:** The provisions of § 163-112 shall apply in the event a candidate for party nomination dies before the primary.

§ 163-140. Kinds of ballots; what they shall contain; arrangements.—

(a) **Kinds of general election ballots; right to combine.** For purposes of general elections, there shall be seven kinds of official ballots, entitled:

1. Ballot for Presidential Electors
2. Ballot for United States Senator
3. Ballot for Member of the United States House of Representatives
4. State Ballot
5. County Ballot
6. Township Ballot
7. Ballot for Constitutional Amendments and Other Propositions Submitted to the People

Use of official ballots shall be limited to the purposes indicated by their titles. The printing on all ballots shall be plain and legible but, unless large type is specified by this section, type larger than 10 point shall not be used in printing ballots. All general election ballots shall be prepared in such a way as to leave sufficient blank space beneath each name printed thereon in which a voter may conveniently write the name of any person for whom he may desire to vote.

Unless prohibited by this section, the board of elections, State or county, charged by law with printing ballots may, in its discretion, combine any two or more official ballots. Whenever two or more ballots are combined, the voting instructions for the State ballot set out in subsection (b) (4) of this section shall be used.

(b) **General election ballots.**

(1) Ballot for Presidential Electors: On the ballot for presidential electors there shall be printed, under the titles of the offices, the names of the candidates for President and Vice-President of the United States nominated by each political party qualified under the provisions of § 163-96. A separate column shall be assigned to each political party with candidates on the ballot, and the party columns shall be separated by distinct black lines. At the head of each column the party name shall be printed in large type and below it a circle, one-half inch in diameter, and below the circle the names of the party's candidates for President and Vice President in that order. On the face of the ballot, above the party column division, the following instructions shall be printed in heavy black type:

- “1. To vote this ballot, make a cross (X) mark in the circle below the name of the political party for whose candidates you wish to vote.
2. A vote for the names of a political party's candidates for President and Vice-President is a vote for the electors of that party, the names of whom are on file with the Secretary of State.
3. If you tear or deface or wrongly mark this ballot, return it and get another.”

On the bottom of the ballot shall be printed an identified facsimile of the signature of the chairman of the State Board of Elections.

The official ballot for presidential electors shall not be combined with any other official ballots.

(2) Ballot for United States Senator: Beneath the title and general instructions set out in this subsection, the ballot for United States Senator shall be divided into parallel columns separated by distinct black lines. The State Board of Elections shall assign a separate column to each political party having a candidate for the office and one to independent candidates, if any. At the head of each party column the party's name shall be printed in large type, and at the head of the column for independent candidates shall be printed in large type the words “Independent Candidates.” The name of each political party's candidate for United States Senator shall be printed in the appropriate party column, and the names of independent candidates for the office shall be printed in the column headed “Independent Candidates.” At the left of each name shall be printed a voting square, and in each column all voting squares shall be arranged in a perpendicular line. On the face of the ballot, above the party and independent column division, the following instructions shall be printed in heavy black type:

- “1. Vote for only one candidate.
2. If you tear or deface or wrongly mark this ballot, return it and get another.”

On the bottom of the ballot shall be printed an identified facsimile of the signature of the chairman of the State Board of Elections.

When the ballot for United States Senator is combined with a ballot for another office, below the party name in each column shall be printed a circle, one-half inch in diameter, around which shall be plainly printed the following instructions: “For a straight ticket, mark within this circle.” The following instructions, in lieu of those specified in the preceding paragraph, shall be printed in heavy black type on the face of the combined ballot at the top above the party and independent column division:

- “1. To vote for all candidates of one party (a straight ticket), make a cross (X) mark in the circle of the party for whose candidates you wish to vote.
2. To vote for candidates of more than one party (a split ticket), do not mark in any party circle, but make a cross (X) mark in the square opposite the name of each candidate for whom you wish to vote.

3. If you tear or deface or wrongly mark this ballot, return it and get another."

(3) Ballot for Member of the United States House of Representatives: Beneath the title and general instructions set out in this subsection, the congressional district ballot for member of the United States House of Representatives shall be divided into parallel columns separated by distinct black lines. The State Board of Elections shall assign a separate column to each political party having a candidate for the office and one to independent candidates, if any. At the head of each party column the party's name shall be printed in large type, and at the head of the column for independent candidates shall be printed in large type the words "Independent Candidates." The name of each political party's candidate for member of the United States House of Representatives from the congressional district shall be printed in the appropriate party column, and the names of independent candidates for the office shall be printed in the column headed "Independent Candidates." At the left of each name shall be printed a voting square, and in each column all voting squares shall be arranged in a perpendicular line. On the face of the ballot, above the party and independent column division, the following instructions shall be printed in heavy black type:

- "1. Vote for only one candidate.
2. If you tear or deface or wrongly mark this ballot, return it and get another."

On the bottom of the ballot shall be printed an identified facsimile of the signature of the chairman of the State Board of Elections.

When the ballot for member of the United States House of Representatives is combined with a ballot for another office, below the party name in each column shall be printed a circle, one-half inch in diameter, around which shall be plainly printed the following instructions: "For a straight ticket, mark within this circle." The following instructions, in lieu of those specified in the preceding paragraph, shall be printed in heavy black type on the face of the combined ballot at the top above the party and independent column division:

- "1. To vote for all candidates of one party (a straight ticket), make a cross (X) mark in the circle of the party for whose candidates you wish to vote.
2. To vote for candidates of more than one party (a split ticket), do not mark in any party circle, but make a cross (X) mark in the square opposite the name of each candidate for whom you wish to vote.
3. If you tear or deface or wrongly mark this ballot, return it and get another."

(4) State Ballot: Beneath the title and general instructions set out in this subsection, the ballot for State officers (including judges of the superior court) shall be divided into parallel columns separated by distinct black lines. The State Board of Elections shall assign a separate column to each political party having candidates for State offices and one to independent candidates, if any. At the head of each party column the party's names shall be printed in large type, and at the head of the column for independent candidates shall be printed in large type the words "Independent Candidates." Below the party name in each column shall be printed a circle, one-half inch in diameter, around which shall be plainly printed the following instruction: "For a straight ticket, mark within this circle." With distinct black lines, the State Board of Elections shall divide the columns into horizontal sections and, in the customary order of office, assign a separate section to each office or group of offices to be filled. On a single line at the top of each section shall be printed the title of the office, and directly below the title shall be printed a direction as to the number of candidates for whom a vote may be cast. If candidates

are to be chosen for different terms to the same office, the term in each instance shall be printed as part of the title of the office.

The name or names of each political party's candidate or candidates for each office listed on the ballot shall be printed in the appropriate office section of the proper party column, and the names of independent candidates shall be printed in the appropriate office section of the column headed "Independent Candidates." At the left of each name shall be printed a voting square, and in each column all voting squares shall be arranged in a perpendicular line.

On the face of the ballot, above the party and independent column division, the following instructions shall be printed in heavy black type:

- "1. To vote for all candidates of one party (a straight ticket), make a cross (X) mark in the circle of the party for whose candidates you wish to vote.
2. To vote for candidates of more than one party (a split ticket), do not mark in any party circle, but make a cross (X) mark in the square opposite the name of each candidate for whom you wish to vote.
3. If you should insert a cross (X) mark in one of the party circles at the top of the ballot and also mark in the voting square opposite the name of any candidate of any party, your ballot will be counted as a straight ticket vote for all of the candidates of the party whose circle you marked.
4. If you tear or deface or wrongly mark this ballot, return it and get another."

On the bottom of the ballot shall be printed an identified facsimile of the signature of the chairman of the State Board of Elections.

(5) **County Ballot:** Beneath the title and general instructions set out in this subsection, the ballot for county officers (including solicitor for the solicitorial district in which the county is situated, district judge for the district court district in which the county is situated, and members of the General Assembly in the senatorial and representative districts in which the county is situated) shall be divided into parallel columns separated by distinct black lines. The county board of elections shall assign a separate column to each political party having candidates for the offices on the ballot and one to independent candidates, if any. At the head of each party column the party's name shall be printed in large type, and at the head of the column for independent candidates shall be printed in large type the words "Independent Candidates." Below the party name in each column shall be printed a circle, one-half inch in diameter, around which shall be plainly printed the following instruction: "For a straight ticket, mark within this circle." With distinct black lines, the county board of elections shall divide the columns into horizontal sections and, in the customary order of office, assign a separate section to each office or group of offices to be filled. On a single line at the top of each section shall be printed the title of the office, and directly below the title shall be printed a direction as to the number of candidates for whom a vote may be cast. If candidates are to be chosen for different terms to the same office, the term in each instance shall be printed as part of the title of the office.

The name or names of each political party's candidate or candidates for each office listed in the ballot shall be printed in the appropriate office section of the proper party column, and the names of independent candidates shall be printed in the appropriate office section of the column headed "Independent Candidates." At the left of each name shall be printed a voting square, and in each column all voting squares shall be arranged in a perpendicular line.

On the face of the ballot, above the party and independent column division, the following instructions shall be printed in heavy black type:

- "1. To vote for all candidates of one party (a straight ticket), make a

cross (X) mark in the circle of the party for whose candidates you wish to vote.

2. To vote for candidates of more than one party (a split ticket), do not mark in any party circle, but make a cross (X) mark in the square opposite the name of each candidate for whom you wish to vote.
3. If you should insert a cross (X) mark in one of the party circles at the top of the ballot and also mark in the voting square opposite the name of any candidate of any party, your ballot will be counted as a straight ticket vote for all of the candidates of the party whose circle you marked.
4. If you tear or deface or wrongly mark this ballot, return it and get another."

On the bottom of the ballot shall be printed an identified facsimile of the signature of the chairman of the county board of elections.

(6) Township Ballot: The township ballot shall contain the names of candidates for constable and justices of the peace, and shall be prepared by the county board of elections in conformity with the instructions prescribed in this section for the county ballot.

(7) Ballot for Constitutional Amendments and Other Propositions Submitted to the People: The form of ballot used in submitting a constitutional amendment or other proposition or issue to the voters of the entire State shall be prepared by the State Board of Elections and approved by the Attorney General. The form of ballot used in submitting propositions and issues to the voters of a single county or subdivision shall be prepared by the county board of elections. In a referendum the issue presented to the voters with respect to each constitutional amendment, question, or proposition, shall be printed in the form laid down by the General Assembly or other body submitting it. If more than one amendment, question, or proposition is submitted on a single ballot, each shall be printed in a separate section, and the section shall be numbered consecutively. On the face of the ballot, above the issue or issues being submitted, shall be printed instructions for marking the voter's choice, in addition to the following instruction: "If you tear or deface or wrongly mark this ballot, return it and get another." On the bottom of the ballot shall be printed an identified facsimile of the signature of the chairman of the responsible board of elections, State or county.

(c) Primary election ballots.

(1) Kinds of primary ballots; right to combine: For purposes of primary elections, there shall be five kinds of official ballots, entitled:

1. Primary Ballot for United States Senator
2. Primary Ballot for Member of the United States House of Representatives
3. State Primary Ballot
4. County Primary Ballot
5. Township Primary Ballot

Use of official primary ballots shall be limited to the purposes indicated by their titles. The printing on all primary ballots shall be plain and legible but, unless large type is specified by this chapter, type larger than ten-point shall not be used in printing primary ballots.

Primary ballots shall be prepared in accordance with the provisions of § 163-109 and the provisions of this section as modified by the provisions of this subsection.

(2) Separate ballots for each political party: For each political party conducting a primary election separate ballots shall be printed, and the paper used for each party's ballots shall be different in color from that

used for the ballots of other parties. Primary ballots shall not provide for voting a straight party ticket, but a voting square shall be printed to the left of the name of each candidate appearing on the ballot.

(3) **Rotation of positions on ballots among candidates:** The board of elections, State or county, responsible for printing and distributing primary election ballots shall have them printed so that the names of opposing candidates for any office shall, as far as practicable, occupy alternate positions upon the ballot, to the end that the name of each candidate shall occupy with reference to the name of every other candidate for the same office, first position, second position, and every other position, if any, upon an equal number of ballots; and the ballots shall be distributed among the precinct voting places impartially and without discrimination.

(4) **Facsimile signatures:** On the bottom of each primary ballot shall be printed an identified facsimile of the signature of the chairman of the board of elections, State or county, responsible for its preparation.

(d) **Municipal primary and election ballots:** In all city and town primaries and elections there shall be an official ballot on which shall be printed the names of all candidates for offices in the city or town. The municipal ballot shall conform as nearly as possible to the provisions of subsections (a) through (c) of this section, but on the bottom of the municipal ballot shall be printed an identified facsimile of the signature of the city or town clerk.

§ 163-141. Sample ballots.—Sample ballots of each kind to be voted in each primary and election shall be printed by the board of elections responsible for printing the official ballots. Sample ballots shall be printed on paper of a color different from that used for the official ballots, and each sample ballot shall have the words "Sample Ballot" printed conspicuously on its face. Sample ballots shall be used for instructional purposes and shall not be used as official ballots.

The State Board of Elections shall distribute the sample ballots for which it is responsible to the county boards of elections at the time it distributes the official ballots; and the county board of elections, at the time it is required to distribute official ballots, shall furnish each precinct registrar with an adequate supply of the sample ballots prepared by the State Board of Elections as well as of those the county board is required to prepare.

§ 163-142. Number of ballots to be furnished each voting place; packaging; date of delivery; receipt for ballots; accounting for ballots.—The county board of elections shall furnish each precinct voting place with each kind of ballot to be voted in the primary or election in a number equal to one hundred five per cent (105%) of the number of persons registered to vote in the primary or election in the precinct.

Each kind of ballot shall be wrapped in a separate package or packages for each precinct voting place. The number of ballots to be placed in each package shall be determined by the chairman of the county board of elections, and the outside of each package shall be marked or stamped to show the kind of ballot and the number contained.

Three days before the primary or election, the county board of elections shall deliver to each precinct registrar the required number of ballots of each kind to be voted in his precinct, and the registrar shall immediately give a receipt for the ballots delivered to him in accordance with the information marked or stamped on the ballot packages.

Within three days after the primary or election, the registrar shall deliver to the county board of elections all ballots spoiled in his precinct. At the same time he shall also deliver to the county board of elections all unused ballots from his precinct. Thereupon, the county board of elections shall make a check to ascertain whether the total of spoiled ballots and unused ballots, when added to the number of ballots cast in the precinct, equal the total number of ballots furnished to and received

for by the registrar prior to the primary or election.

The provisions of this section shall not apply to voting places at which voting machines are used.

§ 163-143. Ballot boxes to be furnished each voting place; date of delivery; receipt for boxes.—The county board of elections shall furnish each precinct voting place with a ballot box for each kind of ballot to be voted in the primary or election, together with one additional box in which spoiled ballots are to be deposited. Each box shall be plainly marked to indicate the ballots to be deposited therein, and the extra box to be delivered to each precinct shall be marked "For Spoiled Ballots."

Each ballot box shall be designed so that it may be locked and sealed and shall be constructed with an opening in the top large enough to allow a single ballot to be easily passed through, but no larger. At the time ballot boxes are delivered to the precinct, the chairman of the county board of elections shall furnish each registrar with a lock and proper seals for each box to be used in his precinct, with instructions as to how each box is to be securely locked and sealed in compliance with § 163-171.

Three days before the primary or election, the county board of elections shall deliver to each precinct registrar the number of ballot boxes required for his precinct, and the registrar shall immediately give a receipt for them.

The provisions of this section shall not apply to voting places at which voting machines are used.

§ 163-144. Lost, destroyed, damaged, and stolen ballots; replacement; report.—Should official ballots furnished to any precinct in accordance with the provisions of this chapter be lost, destroyed, damaged, or stolen, the county board of elections, upon ascertaining that a shortage of ballots exists in the precinct, shall furnish the needed replacement ballots.

Within three days after the primary or election, the registrar of the precinct in which the loss occurred shall make a written report, under oath, to the county board of elections describing in detail the circumstances of the loss, destruction, damage, or theft of the ballots.

§ 163-145. Voting booths; description; provision.—The county board of elections shall furnish each voting place with at least one voting booth for each 100 persons qualified to vote in the precinct. Each voting booth shall be at least three feet square and six feet high; it shall have three sides and a door or curtain in front. The bottom of the door or curtain shall hang two feet above the floor. Each voting booth shall be equipped with a table or shelf on which voters may conveniently mark their ballots.

The provisions of this section shall not apply to voting places at which voting machines are used.

§ 163-146. Voting enclosure at voting place; furnishings; arrangement.—At each precinct voting place as described in § 163-129, there shall be a room or area set apart as the voting enclosure. The limits of the voting enclosure shall be defined by walls or guard-rails which at no point stand nearer than ten feet nor farther than twenty feet from the ballot boxes or voting machines. This enclosure shall be arranged so that a single door or opening (not more than three feet wide) can be used as both the entrance and exit for persons seeking to vote.

Within the voting enclosure and in plain view of the qualified voters present at the voting place shall be placed:

1. A table or desk on which the registrar shall place and use the precinct registration books and records.
2. A table or desk on which the responsible judge shall place and superintend the ballots for distribution and the box for spoiled ballots.
3. A table or desk on which the responsible judge shall place and maintain the poll book.

4. The ballot boxes.

5. The voting booths.

All voting booths and ballot boxes shall be placed in plain view of the registrar and judges as well as of the qualified voters present at the voting place.

The registrar's table shall be placed near the entrance to the voting enclosure.

Each voting booth shall be located and arranged so that it is impossible for a voter in one booth to see a voter in another booth in the act of marking his ballots. Each voting booth shall be kept properly lighted and provided with pencils or pens for marking ballots.

In precincts in which voting machines are used, ballot boxes and voting booths shall not be used. Within the voting enclosure at the voting place in such a precinct, each machine shall be placed so that the exterior from all its sides is visible and so that whenever it is not in use by a voter the ballot labels on its face may be plainly seen by the precinct officials and assistants, and by watchers appointed under the provisions of § 163-45. Precinct election officials and assistants shall not place themselves, nor shall they permit any other person to place himself, in any position that will permit one to see or ascertain how a voter votes on a voting machine except when the voter obtains assistance as provided in this chapter.

No political banner, poster, or placard shall be allowed in or upon the voting place during the day of a primary or election.

§ 163-147. No loitering or electioneering allowed within fifty feet of voting place.—No person shall, while the polls are open at the voting place on the day of a primary or election, loiter about or do any electioneering within the voting place or within 50 feet thereof.

§ 163-148. Procedures at voting place before polls are opened.—At least one-half hour before the time set for opening the polls for each primary and election, the judges of elections, assistants, and, if allowed, official markers, shall meet the registrar at the precinct voting place, at which time the registrar shall administer to them the appropriate oaths set out in § 163-41(a), § 163-42, and § 163-44.

The registrar and judges shall arrange the voting enclosure according to the requirements of § 163-146 and the instructions of the county board of elections. They shall then unlock the official ballot boxes, see that they are empty, allow authorized watchers and other voters present to examine the boxes, and then they shall relock them while still empty. They shall open the sealed packages of ballots, and one of the judges, at the registrar's request, shall announce that the polls are open and state the hour at which they will be closed.

If voting machines are used in the precinct, immediately before the polls are opened the registrar and judges shall open each voting machine, examine the ballot labels, and check the counters to see that they are set to indicate that no votes have been cast or recorded; at the same time, the precinct officials shall allow authorized watchers and other voters present to examine the machines. If found to be in order and the ballot labels in proper form, the precinct officials shall lock and seal each machine, and it shall remain locked until after the polls are closed.

§ 163-149. Protection of ballots, ballot boxes, poll book, and registration records on day of primary or election.—When the empty official ballot boxes have been relocked after the inspection required by § 163-148 before the polls are opened on the day of each primary and election, they shall not be unlocked or opened until the polls are closed.

Only official ballots shall be allowed to be deposited in the ballot boxes, and no other articles or matter shall be placed in them.

No person shall purposely deface or tear an official ballot in any manner, and no person shall purposely erase any name or mark written on a ballot by a voter.

From the time the polls are opened until the precinct count has been completed, the returns signed, and the results declared, no person shall take or remove from the voting enclosure the official ballot boxes, the box for spoiled ballots, the poll book, the registration book or records, or any official ballots.

§ 163-150. Voting procedures,—(a) **Checking registration:** A person seeking to vote shall enter the voting enclosure at the voting place through the appropriate entrance and shall at once state his name and place of residence to one of the judges of election. In a primary election, the voter shall also state the political party with which he affiliates and in whose primary he desires to vote. The judge to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the precinct registration records, the registrar shall state whether the person seeking to vote is duly registered.

(b) **Distribution of ballots; information:** If the voter is found to be registered and is not challenged, or, if challenged and the challenge is overruled as provided in § 163-88, the responsible judge of election shall hand him an official ballot of each kind he is entitled to vote. In a primary election the voter shall be furnished ballots of the political party with which he affiliates and no others. It shall be the duty of the registrar and judges holding the primary or election to give any voter any information he desires in regard to the kinds of ballots he is entitled to vote and the names of the candidates on the ballots. In response to questions asked by the voter, the registrar and judges shall communicate to him any information necessary to enable him to mark his ballot as he desires.

(c) **Act of voting:** When a person is given official ballots by the judge, he shall be deemed to have begun the act of voting, and he shall not leave the voting enclosure until he has deposited his ballots in the ballot boxes or returned them to the precinct officials. When he leaves the voting enclosure, whether or not he has deposited his ballots in the ballot boxes, he shall not be entitled to enter the voting enclosure again for the purpose of voting. On receiving his ballots, the voter shall immediately retire alone to one of the voting booths unless he is entitled to assistance under the provisions of § 163-152, and without undue delay he shall mark his ballots in accordance with the provisions of § 163-151. No voter shall be allowed to occupy a booth already occupied by another, and no voter shall be allowed to occupy a booth more than five minutes if all booths are in use and other voters are waiting to obtain booths.

(d) **Spoiled and damaged ballots:** If a voter spoils or damages a ballot, he may obtain another upon returning the spoiled or damaged ballot to the registrar. A voter shall not be given a replacement ballot until he has returned the spoiled or damaged ballot, and he shall not be given more than three replacement ballots in all. The registrar shall deposit each spoiled or damaged ballot in the box provided for that purpose.

(e) **Depositing ballots and leaving enclosure:** When the voter has marked his ballots he shall leave the voting booth and deposit them in the appropriate boxes or hand them to the registrar or a judge who shall deposit them for him. If he does not mark a ballot he shall return it to one of the precinct officials before leaving the voting enclosure. If the voter has been challenged and the challenge has been overruled, before depositing his ballots in the boxes he shall write his name on each of his ballots so they may be identified in the event his right to vote is again questioned. After depositing his ballots in the ballot boxes, the voter shall immediately leave the voting enclosure unless he is one of the persons authorized by law to remain within the enclosure for purposes other than voting.

(f) **Maintenance of poll book or other record of voting:** At each primary and election, one of the judges designated by the registrar shall keep the poll book in which he shall enter the name of every person who shall vote. In a primary election each voter's party affiliation shall be entered in the proper column of the book opposite his name. The judge shall make each entry at the time ballots are handed to the voter. As soon as the polls are closed and the names of absentee voters have been entered as required by § 163-234, the registrar and judges of election shall sign the poll book immediately beneath the last voter's name entered therein. The registrar or the judge appointed to attend the county canvass shall deliver the poll book to the chairman of the county board of elections at the time of the county canvass, and the chairman shall remain responsible for its safekeeping.

In counties which adopt full-time and permanent registration, no poll book shall be required; in lieu thereof, a permanent poll record shall be kept upon the registration certificates in a form approved by the county board of elections.

§ 163-151. Method of marking ballots in primary and election.—The voter shall adhere to the following rules in marking his ballots:

(a) **In both primaries and elections:**

1. A voter may designate his choice of candidate by making a cross (X) mark, a check mark, or some other clear indicative mark in the appropriate voting square or circle.

2. A voter should not mark more names for any office than there are positions to be filled by election.

3. A voter should not affix a sticker to a ballot, mark a ballot with a rubber stamp, attach anything to a ballot, wrap or fold anything in a ballot, or do anything to a ballot other than mark it properly with pencil or pen.

4. A voter should follow the instructions printed on the ballot.

(b) **In an election but not in a primary:**

1. If a voter desires to vote for all candidates of one political party (a straight ticket) he shall either:

a. Make a cross (X) mark in the circle printed below the name of the party at the top of the ballot or

b. Make a cross (X) mark in the voting square at the left of the name of every candidate of the party printed on the ballot.

2. If a voter desires to vote for candidates of more than one political party (a split ticket), he shall not mark in the circle printed below the name of any party on the ballot; instead, he shall make a cross (X) mark in the voting square at the left of the name of each candidate for whom he desires to vote without regard to the party column in which the names are printed.

3. If a voter desires to vote for a person whose name is not printed on the ballot, he shall write the name of the person for whom he wishes to vote in the space immediately beneath the name of a candidate printed in the section of the ballot assigned to the particular office. In such a situation, the voter shall write the name himself unless he is receiving assistance to which he is entitled under the provisions of § 163-152, in which case the person rendering assistance may write the name for the voter under his direction.

4. In elections for county offices in Bertie County, in elections for municipal offices in the towns of Clayton in Johnston County, Elm City in Wilson County, Fremont in Wayne County, Gaston in Northampton County, Roseboro in Sampson County, Snow Hill in Greene County, Tarboro in Edgecombe County, and Weldon in Halifax County, and in elections for municipal offices in all the municipalities in Bertie and Franklin counties, if there are multiple positions to be filled in a single office, the voter shall

cast his vote for as many candidates as there are positions to be filled in that office.

(c) In a primary:

1. A voter should not write the name of any person on the official ballot.

2. In primary elections for county offices in the counties of

Bertie	Granville	Onslow
Bladen	Greene	Pender
Catawba	Halifax	Perquimans
Chowan	Hoke	Robeson
Columbus	Jones	Sampson
Cumberland	Lenoir	Scotland
Duplin	Northampton	Surry, and
Franklin		Wayne,

in primary elections for municipal offices in the municipalities in those counties, and in primary elections for municipal offices in the towns of Elm City in Wilson County, and Robersonville and Williamston in Martin County, if there are multiple positions to be filled in a single office, the voter shall cast his vote for as many candidates as there are positions to be filled in that office.

§ 163-152. Assistance to voters in primaries and elections.—(a) In primaries:

(1) Who is entitled to assistance: In a primary election, a registered voter qualified to vote in the primary shall be entitled to assistance in getting to and from the voting booth and in preparing his ballots in accordance with the following rules:

a. Any voter shall be entitled to assistance from a near relative of his choice.

b. If no near relative of the voter's choice is present at the voting place, a voter in any of the following three categories shall be entitled to assistance from any voter of the precinct who has not given aid to another voter at the same primary; or, if no such person be present at the voting place, from the registrar or one of the judges of election:

1. One who, on account of physical disability, is unable to enter the voting booth without assistance.

2. One who, on account of physical disability, is unable to mark his ballots without assistance.

3. One who, on account of illiteracy, is unable to mark his ballot without assistance.

(2) Procedure for obtaining assistance: A person seeking assistance in a primary shall, upon arriving at the voting place, first request the registrar to permit him to have assistance, stating his reasons. If the registrar determines that the voter is entitled to assistance, he shall ask the voter to point out and identify the near relative or other voter of the precinct he desires to help him and to whose assistance he is entitled under this section. The registrar shall thereupon direct the near relative or other voter indicated to render the requested aid. If no near relative or other voter of the voter's choice is present, the voter entitled to assistance may request and obtain aid from the registrar or one of the judges.

(b) In elections:

(1) In a county which has not adopted full-time and permanent registration

a. **Who is entitled to assistance:** In any election other than primary, a registered voter shall be entitled to assistance in getting to and from the voting booth and in preparing his ballots in accordance with the following rules:

1. Any voter shall be entitled to assistance from a near relative of his choice.

2. A voter in any of the following four categories shall be entitled to assistance from a marker:

I. One who, on account of physical disability, is unable to enter the voting booth without assistance.

II. One who, on account of physical disability, is unable to mark his ballots without assistance.

III. One who, on account of illiteracy is unable to mark his ballots without assistance.

IV. One who, for any good reason stated to the registrar, desires help in marking his ballots.

b. Procedures for obtaining assistance: A person seeking assistance in an election other than a primary shall, upon arriving at the voting place, first request the registrar to permit him to have assistance, stating his reasons. If the registrar determines that the voter is entitled to assistance, he shall ask the voter to point out and identify the near relative or marker he desires to help him and to whose assistance he is entitled under this section. The registrar shall thereupon direct the near relative or marker indicated to render the requested aid. Should a voter seeking assistance from a marker fail to indicate the marker he desires to help him, the registrar shall appoint one from the markers present at the voting place to render the requested aid.

(2) In a county which has adopted full-time and permanent registration

a. Who is entitled to assistance: In any election other than a primary, a registered voter shall be entitled to assistance in getting to and from the voting booth and in preparing his ballots in accordance with the following rules:

1. Any voter shall be entitled to assistance from a near relative of his choice.

2. If no near relative of the voter's choice is present at the voting place, a voter in any of the following three categories shall be entitled to assistance from any voter of the precinct who has not given aid to another voter at the same election; or if no such person be present at the voting place, from the registrar or one of the judges of election:

I. One who, on account of physical disability, is unable to enter the voting booth without assistance.

II. One who, on account of physical disability, is unable to mark his ballots without assistance.

III. One who, on account of illiteracy, is unable to mark his ballots without assistance.

b. Procedure for obtaining assistance: A person seeking assistance in an election other than a primary shall, upon arriving at the voting place, first request the registrar to permit him to have assistance, stating his reasons. If the registrar determines that the voter is entitled to assistance, he shall ask the voter to point out and identify the near relative or other voter of the precinct he desires to help him and to whose assistance he is entitled under this section. The registrar shall thereupon direct the near relative or other voter indicated to render the requested aid. If no near relative or other voter of the voter's choice is present, the voter entitled to assistance may request and obtain aid from the registrar or one of the judges.

(c) Conduct of persons rendering assistance

Anyone rendering assistance to a voter in a primary or election under the provisions of this section shall be admitted to the voting booth with the person being assisted and shall be governed by the following rules:

(1) He shall not in any manner seek to persuade or induce any voter to cast his vote in any particular way.

(2) Except when going to or returning from a voting booth with a voter as authorized by this section, he shall remain within the voting place but shall not come within ten feet of the voting enclosure.

(3) Immediately after rendering assistance, he shall vacate the voting booth and withdraw to his place in the voting place outside the voting enclosure.

(4) He shall not accompany the voter from the voting booth to the ballot box unless the voter requires and requests assistance on account of physical disability; if assistance is rendered in this way, he shall not converse with the voter prior to the time he deposits his ballots in the ballot boxes.

(5) He shall not make or keep any memorandum of anything which occurs within the voting booth.

(6) He shall not, directly or indirectly, reveal to any person how, in any particular, the assisted voter marked his ballots, unless he or they are called upon to testify in a judicial proceeding for a violation of the election laws.

(d) Meaning of "near relative"

As used in this section, the words "near relative" shall include the voter's husband, wife, brother, sister, parent, child, grandparent, and grandchild, but no other relative.

(e) Violation of section

It shall be unlawful for any person to give, receive, or permit assistance in the voting booth during any primary or election to any voter otherwise than as is allowed by this section.

§ 163-153. Access to voting enclosure.—Admission to the voting enclosure while the polls are open shall be governed by the following rules:

1. In counties which have not adopted full-time and permanent registration, only the following persons shall be allowed within the voting enclosure while the polls are open for voting:

a. Officers of election, that is, members of the State Board of Elections, members of the county board of elections, and the precinct registrar, precinct judges of election, and assistants appointed for the precinct under the provisions of § 163-42.

b. Voters in the act of voting.

c. A near relative of a voter, but only while assisting the voter as authorized in § 163-152.

d. Watchers appointed under the provisions of § 163-45.

e. Municipal policemen assigned by the municipal authorities to keep the peace at a voting place located within the municipality, but only when requested to come within the voting enclosure by the registrar and judges for the purpose of preventing disorder; at the request of the registrar and judges, they shall withdraw from the voting enclosure and remain at least ten feet from its entrance.

f. In elections other than primaries, markers appointed under the provisions of § 163-44, but only while assisting a voter as authorized in § 163-152.

g. In a primary election, any voter of the precinct called upon to assist another voter, but only while rendering the assistance authorized in § 163-152.

h. Any voter of the precinct while entering and explaining a challenge.

2. In counties which adopt full-time and permanent registration, only the following persons shall be allowed within the voting enclosure while the polls are open for voting:

a. Officers of election, that is, members of the State Board of Elections, members of the county board of elections, and the precinct registrar, precinct judges of election, and assistants appointed for the precinct under the provisions of § 163-42.

b. Voters in the act of voting.

c. A near relative of a voter, but only while assisting the voter as authorized in § 163-152.

d. Any voter of the precinct called upon to assist another voter, but only while assisting him as authorized in § 163-152.

e. Municipal policemen assigned by the municipal authorities to keep the peace at a voting place located within the municipality, but only when requested to come within the voting enclosure by the registrar and judges for the purpose of preventing disorder; at the request of the registrar and judges, they shall withdraw from the voting enclosure and remain at least ten feet from its entrance.

f. Any voter of the precinct while entering and explaining a challenge.

§ 163-154. Posting lists of civilian and military absentee voters and new resident presidential election voters.—(a) **In general elections:** When delivered to the registrar at the voting place on the day of a general election as required by § 163-233, § 163-251, or § 163-73, the registrar shall immediately post in a conspicuous location at the voting place:

1. The list (and any supplemental lists) of absentee ballots to be voted in the precinct which have been received by the chairman of the county board of elections.

2. The list (and any supplemental lists) entitled "List of Applicants for Military Absentee Ballots to Whom Ballots Have Been Issued" prepared in compliance with the provisions of § 163-251.

3. The list of new resident voters of the precinct entitled to cast ballots for presidential electors but for no other offices prepared by the chairman of the county board of elections in compliance with the provisions of § 163-73.

(b) **In primary elections:** When delivered to the registrar at the voting place on the day of a primary election, the registrar shall immediately post in a conspicuous place at the voting place the list (and any supplemental lists) entitled "List of Applicants for Military Absentee Ballots to Whom Ballots Have Been Issued" prepared by the chairman of the county board of elections in compliance with the provisions of § 163-251.

§ 163-155 through § 163-159 reserved for future use.

ARTICLE 14.

VOTING MACHINES.

§ 163-160. Voting machines; approval; rules and regulations.—The State Board of Elections shall have authority to approve types and kinds of voting machines for use in primaries and elections held in this State. The use of voting machines which have been approved by the State Board of Elections in any primary or election held in any county or municipality shall be as valid as the use of paper ballots by the voters.

The State Board of Elections shall prescribe rules and regulations for the adoption, handling, operation, and honest use of voting machines, including, but not limited to, rules and regulations governing:

1. Types of voting machines approved for use in this state;
2. Form of ballot labels to be used on voting machines;
3. Operation of and manner of voting on voting machines;

4. Instruction of precinct election officials in the use of voting machines;
5. Instruction of voters in the use of voting machines;
6. Assistance to voters using voting machines;
7. Duties of custodians of voting machines; and
8. Examination of voting machines before use in a primary or election.

§ 163-161. Adoption of voting machines by county or municipality.

(a) **Discretionary authority:** In whatever manner and upon whatever terms the board of county commissioners deems to be in the best interest of the county, it may adopt and purchase or lease voting machines of a type approved by the State Board of Elections for use in some or all voting places in the county at some or all primaries and elections. Specifically, the board may purchase voting machines upon an installment basis or otherwise, or it may lease voting machines with or without an option to purchase.

The governing body of any municipality shall have the same authority with respect to the acquisition and use of voting machines for municipal primaries and elections.

In addition, the governing body of any municipality and the board of commissioners of the county in which the municipality is situated shall have authority jointly, upon such terms as they may agree to, to adopt and purchase or lease voting machines for use in some or all voting places of the county and municipality at some or all primaries and elections held in the two units of government.

Before adopting or acquiring voting machines under the authority of this subsection, the commissioners of the county, or the governing body of the municipality, or both jointly, may, at their discretion, submit to the voters of the county or the municipality, or of both units, the question of whether voting machines should be adopted for use in primaries and elections in the unit or units. The question may be submitted at any general election or special election ordered to be held for some purpose other than the submission of this issue. The results of the referendum authorized under this subsection shall be advisory only and shall not bind the governing body submitting the question.

(b) **Referendum discretionary upon petition:** Upon receipt of a written petition signed by at least (500) registered voters of the county or municipality, the board of county commissioners or municipal governing body may submit to the voters of the county or municipality the question of adopting voting machines for use in all voting places of the county or municipality at all primaries and elections held in the unit. In such a case, each person signing the petition shall write the name or number of his precinct after his name.

The question may be submitted at any general election or special election ordered or held for some purpose other than the submission of this issue. If a majority of the voters casting ballots in the referendum approve the adoption of voting machines, the board of county commissioners or the governing body of the municipality, may adopt for use in primaries and elections in the unit voting machines of a type or kind approved by the State Board of Elections.

(c) **Care and custody of voting machines:** When the unit governing body has decided to adopt and purchase voting machines under the provisions of subsection (a) of this section, or when the adoption of voting machines has been approved in a referendum conducted under the provisions of subsection (b) of this section, the board of county commissioners or municipal governing body shall, as soon as practical, provide for each voting place in the unit one or more approved voting machines in complete working order. If it is impractical to furnish each voting place with voting machines, those obtained may be placed in voting places chosen, in the case of a county, by the county board of elections, and in the case of a munici-

pality, by the governing body.

The county board of elections or the municipal governing body shall appoint as many voting machine custodians as may be necessary for the proper preparation of the machines for each primary and election and for their maintenance, storage, and care.

§ 163-162. Use of Paper Ballots Where Voting Machines Used. In counties in which voting machines are used in some or all precincts the county board of elections shall have authority to furnish paper ballots of each kind to precincts using voting machines for use by persons required to sign their ballots under the provisions of G. S. 163-150 (e).

§ 163-163 through **§ 163-167** reserved for future use.

ARTICLE 15.

COUNTING BALLOTS, CANVASSING VOTES, AND CERTIFYING RESULTS IN PRECINCT AND COUNTY.

§ 163-168. Proceedings when polls are closed.—At 6:30 p.m. on the day of an election or primary, the precinct registrar shall announce that the polls are closed, but any qualified voters who are then in the process of voting or who are in line within the voting enclosure waiting to vote, shall be allowed to mark and cast their ballots.

§ 163-169. Counting ballots at precinct; unofficial report of precinct vote to county board of elections.—(a) **Instructions:** Before each primary and election, the chairman of the county board of elections shall furnish each registrar written instructions on how ballots shall be marked and counted. Before starting the counting of ballots in his precinct, the registrar shall instruct all of the judges, assistants, and ballot counters in how differently marked ballots shall be counted and tallied.

(b) **General rule:** Only official ballots shall be counted. No ballot shall be counted which is marked contrary to law, but no ballot shall be rejected for a technical error unless it is impossible to determine the voter's choice.

(c) **Right to witness precinct count:** The counting of the ballots in each box shall be made in the presence of the precinct election officials and witnesses and watchers who are present and desire to observe the count. Observers shall not interfere with the orderly counting of the ballots.

(d) **Counting to be continuous; precinct officials not to separate:** As soon as the polls are closed the registrar and judges shall, without adjournment or postponement, open the ballot boxes and count the ballots. The counting of ballots at the precinct shall be continuous until completed. More than one box may be counted at the same time by the precinct officials, assistants, and ballot counters, but the registrar and judges shall supervise the counting of all boxes and shall be responsible for them. From the time the first ballot box is opened and the count of votes begun until the votes are counted and the statement of returns made out, signed, certified as required by § 163-173, and delivered to the registrar or judge chosen to deliver them to the county board of elections, the precinct registrar and judges shall not separate, nor shall any one of them leave the voting place except for unavoidable necessity.

(e) **Counting primary ballots:** In a primary election only one ballot shall be removed from the ballot box at a time, and it shall be opened in full view of the precinct election officials and witnesses present. The name of each candidate voted for shall be read aloud distinctly, and the vote received by each candidate shall be tallied on the tally sheet. This

procedure shall be followed for all ballot boxes being counted at the same time.

(f) **Counting general election ballots:** In a general election the contents of a ballot box may be emptied upon a table and the ballots divided into two piles: (1) All those ballots marked in the circle of one political party to indicate a vote for all of the candidates of that party, that is, "straight tickets," which shall be so counted and tallied. (2) All those ballots marked for candidates of more than one political party, that is, "split tickets," which shall be called and tallied in the manner prescribed for counting primary ballots in subsection (e) of this section.

(g) **Questioned ballots:** All questions arising with respect to how a ballot shall be counted or tallied shall be referred to the registrar and judges of election for determination before the completion of the counting of the ballots in the box from which the questioned ballot was taken.

(h) **Unofficial report of precinct returns:** On the night of the primary or election, as soon as the votes have been counted and the precinct returns certified, the registrar, or one of the judges selected by the registrar, shall report the total precinct vote for each candidate, constitutional amendment, and proposition by telephone or otherwise to the county board of electors. This report shall be unofficial and shall have no binding effect upon the official county canvass to follow. As soon as the precinct reports are received, the chairman, secretary, or clerk to the county board of elections shall publish the reports to the press, radio, and television. The costs incurred in executing the provisions of this subsection shall be charged to the operating expense of the county board of elections.

(i) **Absentee ballots:** Absentee ballots shall be deposited and voted in accordance with the provisions of § 163-234; they shall be counted and tabulated as provided in this section and § 163-170.

(j) **Presidential ballots of new resident voters:** The ballots of all new resident voters cast for presidential electors under the provisions of § 163-56 and § 163-73 which are not challenged or, if the challenge is not sustained, shall be counted and tallied in the manner provided in subsection (i) of this section for counting and tallying absentee ballots, and shall be made a part of the official precinct returns for presidential electors.

§ 163-170. Rules for counting ballots.—No ballot shall be counted which is marked contrary to law, but no ballot shall be rejected for a technical error unless it is impossible to determine the voter's choice. In applying this general principle, all election officials shall be governed by the following rules:

1. Only official ballots shall be counted.
2. If for any reason it is impossible to determine a voter's choice for an office to be filled, the ballot shall not be counted for that office but shall be counted for all other offices.
3. If a ballot is marked for more names than there are persons to be elected to an office, it shall not be counted for that office but shall be counted for all other offices.
4. If a ballot has been defaced or torn by a voter it shall not be counted.
5. If a voter has affixed a sticker to a ballot, marked a ballot with a rubber stamp, attached anything to a ballot, wrapped or folded anything in a ballot, or done anything to a ballot other than mark it properly with pencil or pen, it shall not be counted.
6. If a name has been written in on an official general election ballot as provided in § 163-151(b), it shall be counted in accordance with the following instructions:
 - a. If the name was written in by an election official or by any person other than the voter himself or a person assisting him pursuant to

the provisions of § 163-152, the name written in shall not be counted.

b. If the name has been written in the space immediately beneath the name of a candidate for a particular office, it shall be counted as a vote for the person whose name has been written in for that office whether or not the voter has made any mark to the left of the name inserted. Striking out, marking through, or crossing out the name printed above the write-in shall not affect the validity of the write-in, nor shall it serve to invalidate the ballot or the vote for the particular office.

c. If the voter has marked the party circle above the column in which he has entered the write-in, the following instructions shall apply:

(1) If the voter has made no mark to the left of the name written in, his ballot shall be counted as a vote for the person whose name has been inserted and for all other nominees of the party in whose circle he has marked except the one beneath whose printed name the voter has made the write-in: Provided, however, if the person whose name has been written in appears on the ballot as the nominee of a different political party for any office, the write-in shall be ignored, and the ballot shall be counted as a vote for all the nominees of the party in whose circle the voter has marked.

(2) If the voter has made a mark to the left of a name written in, his write-in shall be ignored, and his ballot shall be counted as a vote for all the nominees of the party in whose circle the voter has marked.

d. If the voter has marked the party circle at the top of one column on the ballot and has made a write-in under a name printed in a different column, the write-in shall be ignored, and his ballot shall be counted as a vote for all the nominees of the party in whose circle he has marked.

7. In an election other than a primary, if a voter in one of the counties or municipalities listed in paragraph 4 of § 163-151(b) fails to adhere to the instructions set out in that paragraph, his ballot shall not be counted for any of the candidates for any of the multiple positions to be filled in the single office.

8. In a primary election, if a voter in one of the counties or municipalities listed in paragraph 2 of § 163-151(c) fails to adhere to the instructions set out in that paragraph, his ballot shall not be counted for any of the candidates for any of the multiple positions to be filled in the single office.

§ 163-171. Preservation of ballots; locking and sealing ballot boxes; signing certificates.—When the precinct count is completed after a primary or election, all ballots shall be put back in the ballot boxes from which they were taken, and the registrar and judges shall promptly lock and place a seal around the top of each ballot box, so that no ballot may be taken from or put in it. The registrar and judges shall then sign the seal on each ballot box.

Ballot boxes in which ballots have been placed and which have been locked and sealed as required by the preceding paragraph shall remain in the safe custody of the registrar, subject to the orders of the chairman of the county board of elections as to their disposition. No ballot box shall be opened except upon the written order of the county board of elections or upon a proper order of court.

Ballots cast in a primary or general election shall be preserved for at least two months after the primary or general election in which voted.

On each precinct return form there shall be printed a statement to be signed by the registrar and judge certifying that, after the precinct count was completed, each ballot box was properly locked, sealed, and the seals signed, as prescribed in this section, before the precinct officials left the voting place on the night of the primary or election.

Willful failure to securely lock, seal, and sign the seal on each ballot box on the night of any primary or election, and willful failure to sign the certificate on the duplicate return forms certifying that this was done, shall constitute a misdemeanor.

§ 163-172. State Board of Elections to prepare and distribute abstract forms.—The State Board of Elections shall prepare and print appropriate abstract of returns forms and, at least thirty days before the time for holding any primary or election, send copies of them to the chairman of the county board of elections and clerk of superior court of each county. At the same time, the State Board of Elections shall furnish directions for completing, certifying, signing, and transmitting abstracts of returns to the State Board of Elections and Secretary of State as required by this chapter after each primary and election.

§ 163-173. How precinct returns are to be made.—In each precinct, when the results of the counting of the ballots have been ascertained they shall be recorded in original and duplicate statements to be prepared, signed, and certified to by the registrar and judges on forms provided by the county board of elections.

One of the statements of the voting in the precinct shall be placed in a sealed envelope and delivered to the registrar or a judge selected by the precinct officials for the purpose of delivery to the county board of elections at its meeting on the second day after the primary or election. The other copy of the statement shall be mailed immediately to the chairman of the county board of elections by one of the other two precinct election officials.

Any registrar or judge appointed to deliver the certified precinct returns who shall fail to deliver them to the county board of elections by twelve o'clock noon, on the day the board meets to canvass the returns shall be guilty of a misdemeanor, unless the failure resulted from illness or other good cause.

§ 163-174. Registration and poll books to be returned to chairman of county board of elections.—On the day of the county canvass following each primary and election, the registrar (or judge appointed to bring in the precinct returns) shall deliver the precinct registration book or records and the poll book to the chairman of the county board of elections.

§ 163-175. County board of elections to canvass returns and declare results.—On the second day (Sunday excepted) next after every primary and election, the county board of elections shall meet at 11:00 a. m., at the county courthouse, for the purpose of canvassing the votes cast in the county and preparing the county abstracts. If the returns from any precinct have not been received by the county board by 12:00, noon, on that day, or if the returns of any precinct are incomplete or defective, the board shall have authority to dispatch a peace officer to the residences of the election officials of the delinquent precinct for the purpose of securing proper returns for that precinct.

In the presence of such persons as choose to attend, the members of the county board of elections shall open the precinct returns, canvass and judicially determine the results of the voting in the county, and prepare and sign duplicate abstracts showing:

1. In a primary, the total number of votes cast in each precinct and in the county for each candidate of each political party for each office.
2. In an election, the number of legal votes cast in each precinct for each candidate, the name of each person voted for, the political party with which he is affiliated, and the total number of votes cast in the county for each person for each different office.

In complying with the provisions of this section, the county board of elections shall have power and authority to judicially pass upon all facts relative to the primary or election, to make or order such recounts as it deems necessary, and to judicially determine the result of the primary or election. The board shall also have power to send for papers and persons and to examine them, and to pass upon the legality of any disputed ballots transmitted to it by any precinct election official.

When, on account of errors in tabulating returns and filling out abstracts, the result of a primary or election in any one or more precincts

cannot be accurately known, the county board of elections shall be allowed access to the ballot boxes in such precincts to make or order a recount and to declare the result.

When the county board of elections has judicially determined the result of the primary or election, the chairman of the board shall proclaim the result at the courthouse door, stating the number of votes cast in the county for each candidate for each office.

§ 163-176. Preparation of original abstracts; where filed.—When the county canvass has been completed, the county board of elections shall record the results determined in accordance with § 163-175 on duplicate abstract forms furnished by the State Board of Elections.

Each abstract shall be prepared to show the total number of votes cast for each constitutional amendment and proposition and for each candidate of each political party for each office in each precinct and in the entire county.

When the original and duplicate abstracts have been prepared, the members of the county board of elections shall sign an affidavit on each, stating that it is true and correct.

Each of the original abstracts, together with the original precinct returns, shall be filed by the county board of elections with the clerk of superior court to be recorded in the permanent file in his office.

§ 163-177. Disposition of duplicate abstracts.—Within five days after a primary or election is held, the chairman of the county board of elections shall mail to the chairman of the State Board of Elections the duplicate abstracts prepared in accordance with § 163-176 for all offices and referenda for which the State Board of Elections is required to canvass the votes and declare the results, including:

President and Vice-President of the United States
Governor, Lieutenant Governor, and all other State executive officers
United States Senators

Members of the House of Representatives of the United States Congress
Justices of the Supreme Court

Judges of the superior courts

Judges of the district courts

Solicitors

State senators in multi-county senatorial districts

Members of the State House of Representatives in multi-county representative districts

Constitutional amendments and other propositions submitted to the voters of the State

The duplicate abstracts prepared in accordance with § 163-176 for all offices and referenda for which the county board of elections is required to canvass the votes and declare the results (and which are listed below) shall be retained by the county board, which shall forthwith publish and declare the results:

All county offices

All township offices

State senators in single-county senatorial districts

Members of the State House of Representatives in single-county representative districts

Propositions submitted to the voters of one county

If the chairman of the county board of elections fails or neglects to transmit duplicate abstracts to the chairman of the State Board of Elections within the time prescribed in this section, he shall be guilty of a misdemeanor and subject to a fine of one thousand dollars (\$1,000.00): Provided, that the penalty shall not apply if the chairman was prevented from performing the prescribed duty because of sickness or other unavoidable delay, but the burden of proof shall be on the chairman to show that his failure to perform was due to sickness or unavoidable delay.

§ 163-178. Clerk of superior court to send statement of votes to Secretary of State.—In a general election, the clerk of the superior court shall, within two days after the original abstracts are filed in his office by the county board of elections, certify under his official seal to the the Secretary of State, upon forms furnished him by the State Board of Elections for that purpose, a statement of the votes cast in his county for all national, State, and district offices, and for and against constitutional amendments and propositions submitted to the people. At the same time, the clerk of superior court shall also certify under his official seal to the Secretary of State a list of all the persons voted for in his county as members of the State Senate and House of Representatives and all county offices, together with the votes cast for each and their post office addresses.

If the clerk of superior court fails or neglects to transmit these returns to the Secretary of State within the time specified in this section, he shall be guilty of a misdemeanor and subject to a fine of five hundred dollars (\$50.00): Provided, that the penalty shall not apply when the clerk was prevented from performing his duties because of sickness or other unavoidable delay, but the burden of proof shall be on the clerk to show that his failure to perform his duties was due to sickness or unavoidable delay.

The provisions of this section, unless changed by general rules promulgated by the State Board of Elections, shall also apply to primary elections.

§ 163-179. Who declared elected by county board.—In a general election, the person having the greatest number of legal votes for a county or township office, or for membership in one of the houses of the General Assembly in a representative or senatorial district composed of only one county, shall be declared elected by the county board of elections: Provided, however, that as a prerequisite to election, a write-in candidate for any office must receive as many as 5% of the votes cast for candidates for the United States House of Representatives in the township or county or other jurisdiction in which he is running.

If two or more candidates in the categories listed in this section, having the greatest number of votes, shall have an equal number, the county board of elections shall determine by lot which shall be elected.

§ 163-180. Chairman of county board of elections to furnish certificate of election.—Not earlier than five days nor later than ten days after the results of an election have been officially determined and published in accordance with § 163-175 and § 163-179, the chairman of the county board of elections shall furnish to each of the following persons appropriate certificates of election under his hand and seal: county officers, township officers, and persons elected to membership in the General Assembly in representative and senatorial districts composed of only one county. He shall also immediately notify all persons elected to county offices to meet at the courthouse on the first Monday in the ensuing December to be qualified.

In issuing certificates of election under this section, the chairman of the county board of elections shall be restricted by the provisions of § 163-181.

§ 163-181. Election contest stays certification of nomination or election.—If an election contest is properly pending before a county board of elections or on appeal from a county board to the State Board of Elections, after either a primary or election, the chairman of the county board of elections shall not, in the case of an election, issue a certificate of election, or in the case of a primary, certify the nominee, for the office in controversy until the contest has been finally decided by the county or State Board of Elections.

§ 163-182 through § 163-186 reserved for future use.

ARTICLE 16.

CANVASS OF RETURNS FOR HIGHER OFFICES AND PREPARATION OF STATE ABSTRACTS.

§ 163-187. State Board of Elections to canvass returns for higher offices.—In addition to the other powers and duties assigned it by this chapter, the State Board of Elections shall constitute the State's legal canvassing board in both primaries and elections for all national, State, and district offices (including the offices of State Senator and member of the State House of Representatives in those senatorial and representative districts consisting of more than one county).

No member of the State Board of Elections shall take part in canvassing the votes for any office for which he himself is a candidate.

§ 163-188. Meeting of State Board of Elections to canvass returns of primary and election.—Following each primary and election held in this State under the provisions of this chapter, the State Board of Elections shall meet in the Hall of the House of Representatives in the City of Raleigh to canvass the votes cast in all the counties of the State for all national, State, and district offices, to determine by the count who is nominated or elected to the respective offices, and to declare the results and prepare abstracts as required by § 163-192. The time and date of the general election canvass shall be 11:00 a. m., on the Tuesday following the third Monday after the general election. The time and date of the primary canvass shall be fixed by the State Board of Elections.

At the meeting required by the preceding paragraph, if the abstracts of returns have not been received from all of the counties, the Board may adjourn for not more than ten days for the purpose of securing the missing abstracts. In obtaining them, the Board is authorized to secure the originals or copies from the appropriate clerks of superior court or county boards of elections, at the expense of the counties. The State Board of Elections is authorized to enforce the penalties provided in § 163-177 and § 163-178 for failure of a county elections board chairman or clerk of superior court to comply with the provisions of this chapter in making returns of a primary or election.

At the meeting required by the first paragraph of this section (or at any adjourned session thereof), the State Board of Elections shall examine the county abstracts when they have all been received and shall proceed with the canvass publicly.

§ 163-189. Meeting of State Board of Elections to canvass returns of a special election for United States Senator or Representative.—If a special election is ordered by the Governor to fill a vacancy in the State's representation in the United States Senate or House of Representatives as provided for in § 163-12 or § 163-13, the State Board of Elections may meet for the purposes prescribed in § 163-188 as soon as its chairman shall have received abstracts of returns from all of the counties entitled to vote in the special election. The chairman of the State Board shall fix the day of the meeting not later than 10 days after the special election, and county boards of elections shall transmit their abstracts of returns to the State Board in sufficient time to be available for the State canvass.

§ 163-190. State Board of Elections may refer to ballot boxes to resolve doubts.—When, on account of errors in tabulating returns and filling out abstracts, the result of a primary or election in any precinct, county, district, or the State cannot be accurately known, the State Board of Elections shall be allowed access to the ballot boxes to make or order a recount and to declare the results.

§ 163-191. Contested primaries and elections; how tie broken.—In a primary for party nomination for one or more of the offices to be can-

vassed by the State Board of Elections under the provisions of § 163-187, the results shall be determined in accordance with the provisions of § 163-111.

In a general election for one or more of the offices to be canvassed by the State Board of Elections under the provisions of § 163-187, the person having the highest number of votes for each office, respectively, shall be declared duly elected to that office by the State Board of Elections. But if two or more be equal and highest in votes for the office, then one of them shall be chosen by joint ballot of both houses of the General Assembly.

In a contested election for one of the offices referred to in the preceding paragraph, the State Board of Elections shall certify to the Speaker of the House of Representatives a statement of whatever facts the Board has relative thereto, and the contest shall be determined by joint vote of both houses of the General Assembly in the manner and under the rules applicable in cases of contested elections for members of the General Assembly.

§ 163-192. State Board of Elections to prepare abstracts and declare results of primaries and elections.—(a) **After primary:** At the conclusion of its canvass of the primary election, the State Board of Elections shall prepare separate abstracts of the votes cast:

(1) For Governor and all State officers, justices of the Supreme Court, judges of the superior court, and United States Senators.

(2) For members of the United States House of Representatives for the several congressional districts in the State.

(3) For district court judges for the several judicial districts in the State.

(4) For solicitor in the several solicitorial districts in the State.

(5) For State Senators in the several senatorial districts in the State composed of more than one county.

(6) For members of the State House of Representatives in the several representative districts in the State composed of more than one county.

Abstracts prepared by the State Board of Elections under this subsection shall state the total number of votes cast for each candidate of each political party for each of the various offices canvassed by the State Board of Elections. They shall also state the name or names of the person or persons whom the State Board of Elections shall ascertain and judicially determine by the count to be nominated for each office.

Abstracts prepared under this subsection shall be signed by the members of the State Board of Elections in their official capacity and shall have the Great Seal of the State affixed thereto.

(b) **After general election:** At the conclusion of its canvass of the general election, the State Board of Elections shall prepare abstracts of the votes cast:

(1) For President and Vice-President of the United States, when an election is held for those offices.

(2) For Governor and all State officers, justices of the Supreme Court, judges of the superior court, and United States Senators.

(3) For members of the United States House of Representatives for the several congressional districts in the State.

(4) For district court judges for the several judicial districts in the State.

(5) For solicitor in the several solicitorial districts in the State.

(6) For State Senators in the several senatorial districts in the State composed of more than one county.

(7) For members of the State House of Representatives in the several representative districts in the State composed of more than one county.

(8) For and against any constitutional amendments or propositions submitted to the people.

Abstracts prepared by the State Board of Elections under this subsection shall state the names of all persons voted for, the office for which each received votes, and the number of legal ballots cast for each candidate for each office canvassed by the State Board of Elections. They shall also state the name or names of the person or persons whom the State Board of Elections shall ascertain and judicially determine by the count to be elected to each office.

Abstracts prepared under this subsection shall be signed by the members of the State Board of Elections in their official capacity and shall have the Great Seal of the State affixed thereto.

(c) **Disposition of abstracts of returns:** The State Board of Elections shall file with the Secretary of State the original abstracts of returns prepared by it under the provisions of subsections (a) and (b) of this section, and also the duplicate county abstracts transmitted to the State Board of Elections under the provisions of § 163-177.

§ 163-193. Results of election certified to Secretary of State; certificates of election.—After ascertaining and declaring the result of an election as provided in § 163-192(b), the State Board of Elections shall certify the result to the Secretary of State. The Secretary of State shall then prepare and sign a certificate of election for each person elected and deliver it to him upon demand.

§ 163-194. Governor to issue commissions to certain elected officials.—Every person duly elected to one of the offices listed below, upon obtaining a certificate of his election from the Secretary of State under the provisions of § 163-193, shall procure from the Governor a commission attesting his election to the specified office, which the Governor shall issue upon production of the Secretary of State's certificate:

Member of the United States House of Representatives,
Justice of the Supreme Court,
Judge of the superior court,
Judge of the district court,
Solicitor.

§ 163-195. Secretary of State to record abstracts.—The Secretary of State shall record the State, district, and county abstracts filed with him by the State Board of Elections in a book to be kept by him for that purpose.

§ 163-196 through § 163-200 reserved for future use.

ARTICLE 17.

MEMBERS OF UNITED STATES HOUSE OF REPRESENTATIVES.

§ 163-201. Congressional districts specified.—For the purpose of nominating and electing members of the House of Representatives of the United States Congress in 1968 and every two years thereafter, there are established 11 Congressional districts from each of which one representative shall be elected, composed of the following counties:

District 1: Beaufort, Bertie, Camden, Chowan, Craven, Currituck, Dare

Gates, Hertford, Hyde, Jones, Lenoir, Martin, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, Washington.

District 2: Edgecombe, Franklin, Granville, Greene, Halifax, Nash, Northampton, Person, Vance, Warren, Wilson.

District 3: Carteret, Duplin, Harnett, Johnston, Onslow, Pender, Sampson, Wayne.

District 4: Chatham, Durham, Orange, Randolph, Wake.

District 5: Alleghany, Ashe, Davidson, Davie, Forsyth, Stokes, Surry, Yadkin.

District 6: Alamance, Caswell, Guilford, Rockingham.

District 7: Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Robeson.

District 8: Anson, Cabarrus, Lee, Montgomery, Moore, Richmond, Rowan, Scotland, Stanly, Union.

District 9: Iredell, Lincoln, Mecklenburg, Wilkes.

District 10: Alexander, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Watauga.

District 11: Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey. (1967-c. 1109)

§ 163-202. Election after reapportionment of members of House of Representatives.—Whenever, by a new apportionment of members of the United States House of Representatives, the number of Representatives from North Carolina shall be changed, and neither the Congress nor the General Assembly shall provide for electing them, the following procedures shall apply:

(1) If the number of Representatives is increased, the Representative from each of the existing congressional districts shall be elected by the qualified voters of his district, and the additional Representatives apportioned to North Carolina shall be elected on a single ballot by the qualified voters of the whole State.

(2) If the number of Representatives is decreased, existing congressional district lines shall be ignored, and all representatives apportioned to North Carolina shall be elected on a single ballot by the qualified voters of the whole State.

§ 163-203 through § 163-207 reserved for future use.

ARTICLE 18.

PRESIDENTIAL ELECTORS.

§ 163-208. Conduct of presidential election.—Unless otherwise provided, the election of presidential electors shall be conducted and the returns made in the manner prescribed by this chapter for the election of State officers.

§ 163-209. Names of presidential electors not printed on ballots.—The names of candidates for electors of President and Vice-President nominated by any political party recognized in this State under § 163-96 shall be filed with the Secretary of State but shall not be printed on the ballot. In place of their names, in accordance with the provisions of § 163-140 there shall be printed on the ballot the names of the candidates for President and Vice-President of each political party recognized in this State. A vote for the candidates named on the ballot shall be a vote for the electors of the party by which those candidates were nominated and whose names have been filed with the Secretary of State.

§ 163-210. Governor to proclaim results; casting State's vote for President and Vice-President.—Upon receipt of the abstracts prepared by the State Board of Elections and delivered to him in accordance with § 163-192, the Secretary of State, under his hand and the seal of his office, shall certify to the Governor the names of the persons elected to the office of elector for President and Vice-President of the United States as stated in the abstracts of the State Board of Elections. Thereupon, the Governor shall immediately issue a proclamation setting forth the names of the electors and instructing them to be present in the Hall of the House of Representatives in the City of Raleigh at noon on the first Monday after the second Wednesday in December next after their election, at which time the electors shall meet and vote on behalf of the State for President and Vice-President of the United States. The Governor shall cause this proclamation to be published in the daily newspapers published in the City of Raleigh.

On or before the date fixed for the meeting of the electors, the Governor shall send by registered mail to the Administrator of General Services, a certificate under the Great Seal of the State setting forth the names of the persons chosen as presidential electors for this State and the number of votes cast for each. At the same time he shall deliver to the electors six duplicate-originals of the same certificate, each bearing the Great Seal of the State.

In case of the absence or ineligibility of any elector chosen, or if the proper number of electors shall for any cause be deficient, those present at the required meeting shall forthwith elect from the citizens of the State a sufficient number of persons to fill the deficiency, and the persons chosen shall be deemed qualified electors to vote for President and Vice-President of the United States.

§ 163-211. Compensation of presidential electors.—Presidential electors shall be paid, for attending the meeting held in the City of Raleigh on the first Monday after the second Wednesday in December next after their election, the sum of ten dollars (\$10.00) per day and traveling expenses at the rate of five cents (5¢) per mile in going to and returning home from the required meeting.

§ 163-212. Penalty for failure of presidential elector to attend and vote.—Any presidential elector having previously signified his consent to serve as such, who fails to attend and vote for President and Vice-President of the United States at the time and place directed in § 163-210 (except in case of sickness or other unavoidable accident) shall forfeit and pay to the State five hundred dollars (\$500.00), to be recovered by the Attorney General in the Superior Court of Wake County.

§ 163-213 through § 163-217 reserved for future use.

ARTICLE 19.

PETITIONS FOR ELECTIONS AND REFERENDA.

§ 163-218. Registration of notice of circulation of petition.—From and after July 1, 1957, notice of circulation of a petition calling for any election or referendum shall be registered with the county board of elections with which the petition is to be filed, and the date of registration of the notice shall be the date of issuance and commencement of circulation of the petition.

§ 163-219. Petition void after one year from registration.—Petitions calling for elections and referenda shall be and become void and of no further effect one year after the date the notice of circulation is register-

ed with the county board of elections with which it is required to be filed; and notwithstanding any public, special, local, or private act to the contrary, no election or referendum shall thereafter be called or held pursuant to or based upon any such void petition.

—
§ 163-220. Limitation on petitions circulated prior to July 1, 1957.— Petitions calling for elections or referenda which were circulated prior to July 1, 1957, shall be and become void and of no further force and effect one year after the date of issuance of such petitions for circulation; and notwithstanding any public, special, local, or private act to the contrary, no election or referendum shall be called or held pursuant to or based upon any such void petition from and after July 1, 1957.

§ 163-221 through **§ 163-225** reserved for future use.

SUBCHAPTER VII.

ABSENTEE VOTING

ARTICLE 20.

ABSENTEE BALLOT.

§ 163-226. Who may vote an absentee ballot.—(a) Any qualified voter of the State, whether or not in the armed forces of the United States, may vote by absentee ballot in a Statewide general election in the manner provided in this article if:

1. He expects to be absent from the county in which he is registered during the entire period that the polls are open on the day of the Statewide general election in which he desires to vote; or

2. He is unable to be present at the voting place to vote in person on the day of the State-wide general election in which he desires to vote because of his sickness or other physical disability.

(b) Any qualified voter of a county who is qualified to vote by absentee ballot under this Section in a State-wide general election is authorized to vote an absentee ballot in any county bond election in accordance with the provisions of this Article. (1967-c. 952)

§ 163-227. Application for absentee ballots; forms of application.—A voter falling in either of the categories defined in § 163-226 may apply for absentee ballots not earlier than forty-five days prior to the State-wide general election or county bond election in which he seeks to vote and not later than 6:00 p.m. on Wednesday before that election. Except as provided in the following paragraph, the voter shall apply for absentee ballots under the provisions of subsection (a) or subsection (b) of this section.

If a voter unexpectedly becomes ill or physically disabled to the extent defined in § 163-226 after 6:00 p.m., on Wednesday and before 10:00 o'clock a.m., on Monday before the election, he may apply for absentee ballots under the provisions of subsection (c) of this section.

—(a) **Expected Absence from County on Election Day:** A voter expecting to be absent from the county in which registered during the entire period that the polls will be open on election day, shall make written application for absentee ballots to the chairman of the board of elections of the county in which he is registered not earlier than 45 days nor later than 6:00 p.m., on Wednesday before the election. The application shall be submitted in the form set out at the end of this subsection upon a copy which shall be furnished the voter by the chairman of the county board of elections.

The applicant shall sign his application personally, and he shall swear to it before an officer with a seal who is authorized to administer oaths. The officer administering the oath shall sign the certificate below the applicant's signature and shall affix his official seal in the place indicated on the form.

The application form, when properly filled out, signed, sworn and certified to, shall be transmitted by mail or delivered in person by the applicant to the chairman of the board of elections of the county in which he is registered.

The form for use in applying for absentee ballots under this subsection shall be as follows:

AFFIDAVIT AND APPLICATION FOR BALLOTS BY VOTER WHO EXPECTS TO BE ABSENT FROM COUNTY IN WHICH REGISTERED ON ELECTION DAY

(Anyone who falsifies this statement is subject to a fine or imprisonment, or both.)

Application No. _____ issued to _____
(This line shall be filled out before application is issued.)

State of _____

County of _____

I, _____, do solemnly swear that I am a registered voter residing in _____ precinct, _____ township, in the County of _____, North Carolina, and that I am lawfully entitled to vote in that precinct at the general or bond election to be held therein on the _____ day of _____, 19_____; that I expect to be absent from the county of my residence during the entire period that the polls will be open on the day of the general or bond election, and that I will have no opportunity to vote in person on that day.

I hereby make application for an official ballot or ballots on which I may vote at the general or bond election specified. I will return the ballot or ballots by mail or will deliver them in person to the chairman of the board of elections of the county of my residence prior to 12:00, noon, on Saturday preceding the election in which they shall be cast.

(Signature of applicant)

(Post office address to which ballots are to be mailed)

Subscribed and sworn to by _____
before me, this _____ day of _____, 19_____.

(Signature of officer administering oath)

(SEAL)

(Post office address of officer)

(b) Absence for Sickness or Physical Disability Occurring before 6:00 p.m., on Wednesday Prior to Election: A voter expecting to be unable to go to the voting place to vote in person on election day because of his sickness or other physical disability, shall make written application for absentee ballots to the chairman of the board of elections of the county in which he is registered not earlier than 45 days nor later than 6:00 p.m., on Wednesday before the election. The application shall be submitted in the form set out at the end of this subsection upon a copy which shall be furnished the voter by the chairman of the county board of elections. The application shall be signed by the voter personally.

The voter shall swear to his signature before an officer with a seal who is authorized to administer oaths, and the officer administering the oath shall sign the certificate below the applicant's signature on the form and shall affix his official seal in the place indicated thereon.

The application form, when properly filled out, signed, sworn and certified to, shall be transmitted by mail or delivered in person by the

applicant to the chairman of the board of elections of the county in which he is registered.

The form for use in applying for absentee ballots under this subchapter shall be as follows:

AFFIDAVIT AND APPLICATION FOR BALLOTS BY VOTER WHO EXPECTS TO BE UNABLE TO GO TO VOTING PLACE ON ELECTION DAY BECAUSE OF SICKNESS OR PHYSICAL DISABILITY OCCURRING PRIOR TO 6:00 O'CLOCK P.M., ON WEDNESDAY BEFORE THE ELECTION

(Anyone who falsifies this statement is subject to a fine or imprisonment, or both.)

Application No. _____ issued to _____
(This line shall be filled out before application is issued.)

State of North Carolina

County of _____

I, _____, do solemnly swear that I am a registered voter residing in _____ precinct, _____ township, in the county of _____, North Carolina, and that I am lawfully entitled to vote in that precinct at the general or bond election to be held therein on the _____ day of _____, 19_____; that by reason of sickness or physical disability, to wit:

(Insert here statement of nature of illness or disability)

I will be unable to travel from my home or place of confinement to the voting place in my precinct on election day.

I hereby make application for an official ballot or ballots on which I may vote at the general or bond election specified. I will return the ballot or ballots by mail or will deliver them in person to the chairman of the board of elections of the county of my residence prior to 12:00, noon, on Saturday preceding the election in which they shall be cast.

(Signature of applicant)

(Post office address to which ballots are to be mailed)

Subscribed and sworn to by _____
before me this _____ day of _____, 19_____.

(Signature of officer administering oath)

(SEAL)

(Post office address of officer)

(c) Absence for Sickness or Physical Disability Occurring after 6:00 p.m., on Wednesday Prior to Election: A voter expecting to be unable to go to the voting place to vote in person on election day because of sickness or other physical disability occurring after 6:00 p.m., on Wednesday before the election, shall make written application for absentee ballots to the chairman of the board of elections of the county in which he is registered not later than 10:00 a.m., on Monday preceding the election. The application shall be submitted in the form set out at

the end of this subsection upon a copy which shall be furnished the voter by the chairman of the county board of elections.

The chairman of the county board of elections shall not issue or accept an application under the provisions of this subsection later than 10:00 a.m., on Monday preceding the election in which the applicant seeks to vote.

The application shall be signed by the voter personally, or it may be signed for him by the voter's husband, wife, brother, sister, parent, or child. The application shall be signed in the presence of a witness who shall sign his name in the place provided on the form.

The certificate printed on the application form below the signatures of the applicant and his subscribing witness shall be filled in and signed in the presence of a witness by a licensed physician who is attending the applicant. The witness to the physician's certificate shall sign his name in the place provided on the form.

The application form, when properly filled out, signed by or for the applicant in the presence of a subscribing witness as provided in this subsection, and certified and signed by the attending physician in the presence of a subscribing witness, may be transmitted by mail to the chairman of the board of elections of the county in which the applicant is registered, or it may be delivered to the chairman in person by the applicant or by his wife, husband, brother, sister, parent, or child.

The form for use in applying for absentee ballots under this subsection shall be as follows:

APPLICATION FOR BALLOTS BY VOTER WHO EXPECTS TO BE
UNABLE TO GO TO VOTING PLACE ON ELECTION DAY BECAUSE
OF SICKNESS OR PHYSICAL DISABILITY OCCURRING AFTER
6:00, P.M., ON WEDNESDAY BEFORE THE ELECTION, AND
CERTIFICATE OF ATTENDING PHYSICIAN

(Anyone who falsifies this statement is subject to a fine or imprisonment or both.)

Application No. _____ issued to _____
(This line shall be filled out before application is issued.)
State of North Carolina

County of _____

I, _____, do hereby certify that I am a registered voter residing in _____, precinct, _____ township, in the County of _____, North Carolina, and that I am lawfully entitled to vote in that precinct at the general or bond election to be held therein on the _____ day of _____, 19_____; that by reason of sickness or physical disability occurring since 6:00 p.m., last Wednesday, I will be unable to travel from my home or place of confinement to the voting place in my precinct on election day.

I hereby make application for an official ballot or ballots on which I may vote at the general or bond election specified. I will transmit the ballot or ballots to the chairman of the board of elections of the county of my residence prior to 3:00 p.m., on election day.

This _____ day of _____, 19_____.

(Signature of applicant or person completing form for applicant)

(Address to which ballots are to be delivered)

(Relationship of person completing form for applicant if not completed by applicant in person)

Witness: _____
(Signature of person witnessing signing of application)

(address of witness)

PHYSICIAN'S CERTIFICATE

State of _____

County of _____

I, _____, do hereby certify that I am a physician, duly licensed to practice medicine in the State of _____; that I have examined _____ (insert applicant's name) on _____ (insert date) for an illness or physical disability occurring since 6:00 p.m., last Wednesday, and that I believe that he (or she) will be physically incapable of being at the voting place at the election to be held on the _____ day of _____, 19_____, for the following reasons: _____ (insert reasons in space provided).

This _____ day of _____, 19_____.

(Signature of physician)

(Address of physician)

Witness: _____
(Signature of person witnessing signing of certificate)

(Address of witness)

(d) Application Forms Issued by Chairman of County Board of Elections: The chairman of the county board of elections shall be sole custodian of all absentee ballot application forms. In accordance with one of the following two procedures, he shall issue and deliver a single application form, upon request, to a person authorized to sign such an application under the provisions of this section:

1. He may deliver the form to a voter personally at the office of the county board of elections for the voter's own use; or
2. He may mail the form to a voter for his own use upon receipt of a written request from the voter.

The chairman shall not entrust any other person to deliver an application form to a voter, nor shall he mail an application form to a voter who has not made written request for one, except as provided in sub-section (e) of this section.

At the time he issues an application form, the chairman of the county board of elections shall number it and write the applicant's name in the

space provided therefor at the top of the form. At the same time the chairman shall insert the applicant's name and the number assigned his application in the register of Absentee Ballot Applications and Ballots Issued provided for in § 163-228.

The chairman shall issue only one application form to a voter unless a form previously issued is returned to the chairman and marked "Void" by him. In such a situation, the chairman may issue another application form to an authorized person, but he shall retain the voided application form in his records.

(e) **Applications for absentee ballots transmitted by mail or in person:** An application for absentee ballots shall be made and signed only by the voter desiring to use them and shall be valid only when transmitted to the chairman of the county board of elections in person or by the United States mail: provided, that a voter who becomes sick or physically disabled after 6:00 p.m., on Wednesday before the election may have an application prepared, signed, and transmitted to the chairman of the county board of elections in accordance with the provisions of subsection (c) of this section. (1967-c. 952)

§ 163-228. Register of Absentee Ballot Applications and Ballots Issued; a public record.—The State Board of Elections shall furnish the chairman of the board of elections in each county of the State with a book to be called the Register of Absentee Ballot Applications and Ballots Issued in which shall be recorded whatever information and official action may be required by this article.

The Register of Absentee Ballot Applications and Ballots Issued shall constitute a public record and shall be opened to the inspection of any registered voter of the county at any time within 30 days before and 30 days after a Statewide general election, a county bond election, or at any other time when good and sufficient reason may be assigned for its inspection. (1967-c. 952)

§ 163-229. Absentee ballots, container-return envelopes, and instruction sheets.—(a) **Absentee ballot form:** In accordance with the provisions of § 163-230(c), persons entitled to vote by absentee ballot shall be furnished with regular official ballots; separate or distinctly marked absentee ballots shall not be used.

(b) **Container-return envelope:** In time for use not later than forty-five days before a State-wide general election or county bond election, the county board of elections shall print a sufficient number of envelopes in which persons casting absentee ballots may transmit their marked ballots to the chairman of the county board of elections. Each container-return envelope shall be printed in accordance with the following instructions:

i. On one side shall be printed an identified space in which shall be inserted the application number of the voter and the following statement which shall be certified by one member of the county board of elections:

Certification of Election Official

The undersigned election official does by his hand and seal certify that _____ is a registered and qualified voter of _____ county, Precinct # _____ and has made proper application to vote under the Absentee Ballot Law of North Carolina.

----- (SEAL)

Chairman-Member

2. On the other side shall be printed the return address of the chairman of the county board of elections and the following affidavit:

Affidavit of Absentee or Sick Voter

State of _____

County of _____

I, _____, do solemnly swear that I am a resident and registered voter in _____, precinct.

_____ County, North Carolina; that on the day of the general or bond election, _____, 19_____, [check whichever of the following statements is correct]

[] I will be absent from the county in which I reside.

[] Due to sickness or physical disability, I will be unable to travel to the voting place in the precinct in which I reside.

I further swear that I made application for absentee ballots, and that I marked the ballots enclosed herein, or that they were marked for me in my presence and according to my instructions.

(Signature of voter)

Sworn to and subscribed before me this _____ day of _____, 19_____.

(Signature of officer administering oath)

(SEAL)

(Title of officer)

Note: The acknowledgement of a member of the armed forces of the United States may be taken before any commissioned officer or non-commissioned officer of the rank of sergeant in the Army, petty officer in the Navy, or equivalent rank in other branches of the armed forces.

(c) Instruction sheets: In time for use not later than 45 days before a State-wide general election or county bond election, the county board of elections shall prepare and print a sufficient number of sheets of instructions on how voters are to prepare absentee ballots and return them to the chairman of the county board of election. (1967-c. 851-c. 952)

§ 163-230. Consideration and approval of applications and issuance of absentee ballots.—The procedure to be followed in receiving applications for absentee ballots, passing upon their validity, and issuing absentee ballots shall be governed by the provisions of this section.

(a) Record of applications received and ballots issued: Upon receipt of a voter's written application for absentee ballots the chairman of the county board of elections shall promptly enter in the Register of Absentee Ballot Applications and Ballots Issued so much of the following information as he has not already entered there under the provisions of § 163-227(d):

1. Name of voter applying for absentee ballots.
2. Number assigned voter's application when issued.
3. Precinct in which applicant is registered.
4. Address to which ballots are to be mailed.
5. Reason assigned for requesting absentee ballots.
6. Date application for ballots is received by chairman.

(b) Determination of validity of applications for absentee ballots: The county board of elections shall constitute the proper official body to

pass upon the validity of all applications for absentee ballots received in the county; this function shall not be performed by the chairman or any other member of the board individually.

1. Required meetings of county board of elections: During the period opening 45 days before a State-wide general election or county bond election and closing at 6:00 p.m., on Wednesday before the election, the county board of elections shall hold public meetings on Monday and Friday of each week at 10:00 a.m., and it shall also hold public meetings at 10:00 a.m., on both Thursday and Monday immediately preceding election day. These meetings shall be held at the county courthouse or at the elections board office at the hour fixed by law. At these meetings the county board of elections shall pass upon applications for absentee ballots.

Upon a majority vote, the county board of elections may hold the required public meetings at an hour other than 10:00 a.m., and it may hold more than one session on each Monday and Friday it is required to meet and may set the hours of any additional sessions. If the board desires to exercise either or both of the options granted by the preceding sentence, it shall do so prior to the date on which it is required to hold its first public meeting under the provisions of this subsection and in time to give the notice required by the fourth paragraph of this numbered portion of this subsection; thereafter, no change shall be made in the hours fixed for the board's public meetings on absentee ballot applications.

It shall not be necessary for the chairman of the county board of elections to give notice to other board members of weekly meetings of the board which are fixed as to time and place by this section.

If the county board of elections changes the time of holding its Monday and Friday meetings or provides for additional meetings on Mondays and Fridays in accordance with the terms of this subsection, notice of the change in hour and notice of the schedule of additional meetings, if any, shall be published in a newspaper circulated in the county, and a notice thereof shall be posted at the courthouse door of the county, at least one week prior to the time fixed for holding the first meeting under this subsection.

The county board of elections shall not be required to hold any of the meetings prescribed by this subsection unless, since its last preceding meeting, it actually has received one or more applications for absentee ballots which it has not passed upon. When no meeting is to be held for this reason, the chairman shall notify each of the other members of the county board of elections that the scheduled public meeting will not be held and state the reason for its cancellation.

2. Procedure at required meeting; making determination: At each public meeting of the county board of elections the chairman shall present for consideration, and the board shall pass upon, the validity of all applications for absentee ballots received since its last preceding public meeting held for that purpose. In connection with each application received by mail the chairman shall also present the container envelope in which the application was received. At each such meeting any registered voter of the county shall be heard and allowed to present evidence in opposition to, or in favor of, the issuance of absentee ballots to any voter making application for them.

The county board of elections may consider the registration book evidence of the voter's signature if available and any other evidence that may be necessary to pass upon such an application.

If the board finds that the applicant is a qualified voter of the county, that he is registered in the precinct stated in his application, that the assertions in his application are true, and that his application is in proper form, it shall approve his application for absentee ballots.

3. Record of board's determination; decision final: At the time the county board of elections makes its decisions on an application for absentee ballots, the chairman shall enter in the appropriate column in the Register of Absentee Ballot Applications and Ballots Issued opposite the name of the applicant a notation of whether his application was "Ap-

proved" or "Disapproved." The decision of the board on the validity of an application for absentee ballots shall be final, subject only to such review as may be necessary in the event of an election contest.

(c) Delivery of absentee ballots and container-return envelope to applicant: When the county board of elections approves an application for absentee ballots, the chairman shall promptly issue and transmit them to the applicant in accordance with the following instructions:

1. On the top margin of each ballot the applicant is entitled to vote, the chairman shall write or type the words "Absentee Ballot No. ____" and insert in the blank space the number assigned the applicant's application in the Register of Applications for Absentee Ballots and Ballots Issued. He shall not write, type, or print any other matter upon the ballots transmitted to the absentee voter.

2. The chairman shall fold and place the ballots (identified in accordance with the preceding instruction) in a container-return envelope and write or type in the appropriate blanks thereon, in accordance with the terms of § 163-229(b), the absentee voter's name, his application number, and the designation of the precinct in which his ballots are to be voted. The chairman shall leave the container-return envelope holding the ballots unsealed.

3. The chairman shall then place the unsealed container-return envelope holding the ballots, together with printed instructions for voting and returning the ballots, in an envelope addressed to the applicant at the post office address stated in his application, seal the envelope, and mail it at the expense of the county board of elections, or deliver it to the applicant in person: Provided, that in case of approval of an application received after 6:00 p.m. on Wednesday before the election under the provisions of § 163-227(c), in lieu of transmitting the ballots to the applicant in person or by mail, the chairman may deliver the sealed envelope containing the instruction sheet and the container-return envelope holding the ballots to the applicant's husband, wife, brother, sister, parent, or child. (1967-c. 952)

§ 163-231. Voting absentee ballots and transmitting them to chairman of county board of elections.—(a) Procedure for voting absentee ballots: In the presence of an officer authorized to administer oaths, having an official seal, the voter shall:

1. Mark his ballots, or cause them to be marked in his presence according to his instructions.

2. Fold each ballot separately, or cause each of them to be folded in his presence.

3. Place the folded ballots in the container-return envelope and securely seal it, or have this done in his presence.

4. Make and subscribe the affidavit printed on the container-return envelope according to the provisions of § 163-229(b).

The officer administering the oath shall then complete the form on the container-return envelope and affix his seal in the place indicated. When thus executed, the sealed container-return envelope, with the ballots enclosed, shall be transmitted in accordance with the provisions of subsection (b) of this section to the chairman of the county board of elections who issued the ballots.

In the case of voters who are members of the armed forces of the United States, as defined in § 163-245, the signature of any commissioned officer or noncommissioned officer of the rank of sergeant in the Army, petty officer in the Navy, or equivalent rank in other branches of the armed forces, as a witness to the execution of any certificate required by this or any other section of this article to be under oath shall have the force and effect of the jurat of an officer with a seal fully authorized to take and administer oaths in connection with absentee ballots.

(b) Transmitting executed absentee ballots to chairman of county board of elections: The sealed container-return envelope in which executed absentee ballots have been placed shall be transmitted to the chairman of the county board of elections who issued them as follows:

1. If the ballots were issued under the provisions of either subsection (a) or subsection (b) of § 163-227, the sealed envelope shall be transmitted by the voter in person or by mail (at the voter's expense) in sufficient time for the executed ballots to reach the chairman of the county board of elections by 12:00 noon, on the Saturday immediately preceding the State-wide general election. If such ballots are received later than that hour they shall not be accepted for voting.

2. If the ballots were issued under the provisions of subsection (c) of § 163-227, the sealed envelope may be transmitted by the voter in person, or by mail (at the voter's expense), or it may be delivered to the chairman by the voter's husband, wife, brother, sister, parent, or child, in sufficient time for the executed ballots to reach the chairman of the county board of elections by 3:00 p.m., on the day of the State-wide general election. If such ballots are received later than that hour they shall not be accepted for voting.

§ 163-232. Certified list of approved applications to be transmitted to State Board of Elections and posted; original applications to accompany list.—The chairman of the county board of elections shall prepare a list, in triplicate, of all applications for absentee ballots received by him which have been approved by the county board of elections. At the end of the list he shall execute the following certificate under oath:

State of North Carolina

County of _____

I, _____, Chairman of the _____

County Board of Elections, do hereby certify that the foregoing is a list of all applications filed with me for absentee ballots to be voted in the election on the _____

day of _____, 19_____, which have been approved by the county board of elections. I further certify that I have issued ballots to no other persons than those listed therein, whose original applications are enclosed to be filed with the State Board of Elections; and I further certify that I have not delivered ballots for absentee voting to any person other than the voter himself, by mail or in person, except as provided by law in the case of approved applications received after 6:00 p.m., on Wednesday before the election.

This the _____ day of _____, 19_____.

(Signature of chairman of county board of elections)

Sworn to and subscribed before me this _____ day of _____, 19_____. Witness my hand and official seal.

(SEAL)

(Signature of officer administering oath)

(Title of officer)

Before noon on the day before a State-wide general election, the chairman of the county board of elections shall send one copy of the list required by this section, together with the original of all applications for absentee ballots received by him, by registered mail to the Chairman of

the State Board of Elections, at Raleigh, North Carolina. He shall post one copy of the list at a conspicuous place at the county courthouse door, and he shall retain the third copy for himself.

§ 163-233. Lists of absentee ballots received; distribution; delivering executed absentee ballots to appropriate registrars.—Before noon on the day of a State-wide general election, the chairman of the county board of elections shall prepare for each precinct a list, in quadruplicate, of all executed absentee ballots which he has received from absentee voters of the particular precinct prior to noon on the Saturday immediately preceding the election, and, in the case of absentee ballots issued under the provisions of § 163-227(c), executed ballots which he has received at any time prior to making the list. The chairman shall cause two copies of the appropriate precinct list, together with the unopened container-return envelopes enclosing absentee ballots to be voted in the precinct to be delivered to the registrar before noon on the day of the election.

If, after preparing and delivering the lists and unopened container-return envelopes as prescribed in the preceding paragraph, the chairman should, before 3:00 p.m. on election day, receive additional executed absentee ballots issued under the provisions of § 163-227(c), he shall prepare, in quadruplicate, a supplemental list for each affected precinct. The chairman shall have two copies of the appropriate supplemental precinct list, together with the unopened container-return envelopes enclosing the ballots recorded on the supplemental list, delivered to the precinct registrar before the polls are closed on election day.

The registrar shall post one copy of the list and one copy of the supplemental list, if any, as required by § 163-154. He shall retain the other copy or copies until all challenges of absentee ballots have been heard and decided.

On election day the chairman of the county board of elections shall mail to the Chairman of the State Board of Elections, at Raleigh, North Carolina, one copy of each of the lists prepared under the provisions of this section. He shall retain the remaining copy or copies for his own use.

§ 163-234. Absentee ballots deemed voted upon delivery to registrar; opening container-return envelope and depositing ballots; rejected ballots.—An absentee ballot shall be deemed to be voted when delivered to the precinct registrar on the day of the election, but it shall not be deposited in a ballot box and shall not be counted except in accordance with the procedures outlined in this section.

As soon as the polls are closed, and before they sign the poll book, the precinct officials shall examine the container-return envelopes, record in the poll book the names of absentee voters whose ballots are voted, and deposit their ballots in the proper ballot boxes as follows:

1. The precinct officials shall examine each unopened container-return envelope. If they find that the affidavit and jurat are not executed in due form, or that the voter did not sign his name to the affidavit printed on the envelope, or that the officer before whom the voter executed the affidavit did not affix his seal or the certification of a member of the county board of elections is not complete or is not in compliance with the provisions of GS 163-229 (b) 1, the envelope shall be left unopened, and it shall be marked "Rejected."

2. If the examination required by the preceding paragraph reveals that the container-return envelope is in order, one of the judges of election shall call the name of the voter as it appears in the affidavit on the envelope. After examining the registration records, the registrar shall state whether the person bearing that name is duly registered and qualified to vote in the precinct. If the registrar finds him not to be registered, the envelope shall be left unopen, and it shall be marked "Rejected-Not Registered." If the registrar finds him to be registered and qualified, and if his registration or right to vote by absentee ballot is not challenged,

the responsible judge shall enter his name in the poll book with the notation "Absentee Voter." If a challenge is entered, the precinct officials shall proceed as provided in § 163-89.

3. When the voter's name has been entered in the poll book under the provisions of the preceding paragraph, one of the judges of election shall open the container-return envelope by slitting it with a sharp instrument so as not to destroy, tear, or obliterate any part of the affidavit thereon. He shall then remove the ballots from the envelope and, without unfolding them and without examining how they are marked, he shall deposit each in the appropriate ballot box.

4. All container-return envelopes shall be filed with the county board of elections at the time of the county canvass when the precinct returns are filed. This requirement shall include those container-return envelopes from which ballots have been removed and deposited in ballot boxes, as well as those left unopened and marked "Rejected" or "Rejected-Not Registered" under the provisions of this section and those left unopened and marked "Challenge Sustained" under the provisions of § 163-89. They shall be preserved intact by the chairman of the county board of elections for a period of six months, or longer if any contest shall then be pending concerning the validity of any absentee ballot delivered to him. (1967-c. 851)

§ 163-235. Absentee voting where voting machines used.—Persons entitled to vote by absentee ballot in precincts in which voting machines are used shall vote on paper ballots furnished them in accordance with the provisions of this article. At voting places at which voting machines are used, container-return envelopes and absentee ballots shall be received, handled, counted, and filed with the county board of elections in accordance with the provisions of this article for voting places at which voting machines are not used. The total absentee ballot vote for each candidate and proposition shall be added to the totals shown on the voting machines, and the combined totals shall be entered on the official returns for the precinct.

§ 163-236. Violations by chairman of county board of elections.—The chairman of the county board of elections shall be sole custodian of blank applications for absentee ballots, official ballots, and container-return envelopes for absentee ballots. He shall issue and deliver blank applications for absentee ballots in strict accordance with the provisions of § 163-227(d). The issuance of ballots to persons whose applications for absentee ballots have been approved by the county board of elections under the provisions of § 163-230(c) is the responsibility and duty of the chairman of the county board of elections.

It shall be the duty of the chairman of the county board of elections to keep current all records required of him by this article and to make promptly all reports required of him by this article.

The willful violation of the terms of this section shall constitute a misdemeanor, and upon conviction, the offender shall be fined not less than one hundred dollars (\$100.00), or imprisoned not less than 60 days, or both, in the discretion of the court.

§ 163-237. Certain violations of absentee ballot law made criminal offenses.—(a) **False statements under oath made misdemeanor.**—If any person shall willfully and falsely make any affidavit or statement, under oath, which affidavit or statement under oath, is required to be made by the provisions of this article, he shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than one hundred dollars (\$100.00), or imprisoned for not less than sixty days, or both, in the discretion of the court.

(b) **False statements not under oath made misdemeanor.**—If any person, for the purpose of obtaining or voting any official ballot under the provisions of this article, shall willfully sign any printed or written

false statement which does not purport to be under oath, or which, if it purports to be under oath, was not duly sworn to, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars (\$100.00), or imprisoned not less than sixty days, or both, in the discretion of the court.

(c) **Fraud in connection with absentee vote; forgery.**—Any person attempting to aid and abet fraud in connection with any absentee vote cast, or to be cast, under the provisions of this article, shall be guilty of a misdemeanor, and, upon conviction, be fined or imprisoned, in the discretion of the court. Any person attempting to vote by fraudulently signing the name of a regularly qualified voter shall be guilty of forgery, and be punished accordingly.

(d) **Violations not otherwise provided for made misdemeanor.**—If any person shall willfully violate any of the provisions of this article, or willfully fail to comply with any of the provisions thereof, for which no other punishment is herein provided, he shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than one hundred dollars (\$100.00), or imprisoned not less than six months, or both, in the discretion of the court.

§ 163-238. Reports of violations to Attorney General and solicitors.—It shall be the duty of the State Board of Elections to report to the Attorney General of North Carolina, and to the solicitor of the appropriate solicitorial district, any violation of this article, or the failure of any person charged with a duty under its provisions to comply with and perform that duty, and it shall be the duty of the solicitor to cause such a person to be prosecuted therefor.

§ 163-239. Article 21 relating to absentee voting by servicemen and certain civilians not applicable.—Except as otherwise provided therein, Article 21 of this chapter, relating to absentee registration and voting by servicemen and certain civilians, shall not apply to or modify the provisions of this article.

§ 163-240 through § 163-244 reserved for future use.

ARTICLE 21.

MILITARY ABSENTEE REGISTRATION AND VOTING IN PRIMARY AND GENERAL ELECTIONS.

§ 163-245. Persons in armed forces, their wives, certain veterans, civilians working with armed forces, and members of Peace Corps may register and vote by mail.—(a) Any individual who is eligible to register and who is qualified to vote in any State-wide primary or election held under the laws of this State, and who is absent from the county of his residence in any of the capacities specified in subsection (b) of this section, shall be entitled to register by mail and to vote by military absentee ballot in the manner provided in this article.

(b) The provisions of this article shall apply to the following persons:

1. Persons serving in the armed forces of the United States, including (but not limited to) the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Army Nurse Corps, the Navy Nurse Corps, the Women's Navy Reserve, the Marine Corps Women's Reserve, the Women's Army Corps, the Merchant Marine, and members of the National Guard and Military Reserve who on the day of a primary or general election are absent on active duty.

2. Wives of men serving in the armed forces of the United States residing outside the counties of their husbands' voting residence.

3. Disabled war veterans in United States government hospitals.
4. Civilians attached to and serving outside the United States with the armed forces of the United States.
5. Members of the Peace Corps.

§ 163-246. Provisions of Article 20 applicable except as otherwise provided; State Board of Elections to adopt regulations.—Except as otherwise provided in this article, registration by mail and absentee voting by individuals to whom this article is applicable shall be governed by the provisions of Article 20 of this chapter. By way of illustration rather than limitation, the provisions of this paragraph shall apply to the form of absentee ballots, certificates, and container-return envelopes; the manner of depositing and voting military absentee ballots; the counting and certifying of results; the hearing of challenges; and the preservation of container-return envelopes in which executed military absentee ballots are transmitted.

The State Board of Elections is authorized to adopt and promulgate whatever rules and regulations (not in conflict with other provisions of this chapter) it may deem necessary to carry out the true intent and purpose of this article.

§ 163-247. Methods of applying for absentee ballots.—An individual entitled to exercise the rights conferred by this article and who is absent from the county of his residence may apply for absentee ballots in either of the ways provided in this section.

(a) **Federal post card application form:** At any time prior to the State-wide primary or general election in which he seeks to vote the applicant may make and sign a written application to the Secretary of State for absentee ballots on the post card form prescribed in Public Law 712 of the 77th Congress. Upon receiving such an application, the Secretary of State shall record the applicant's name and residence address on a record maintained for that purpose and immediately transmit the application to the State Board of Elections. Upon receiving such an application from the Secretary of State, the State Board of Elections shall transmit it to the chairman of the board of elections of the county in which the applicant has his residence, together with instructions for handling the application under the provisions of this article.

(b) **Application to chairman of county board of elections:** In lieu of applying on the federal post card as provided in the preceding subsection, at any time prior to the State-wide primary or general election in which he seeks to vote the applicant may make and sign a written application to the chairman of the board of elections of the county of his residence upon a form prepared and furnished him upon request by the county board of elections. This form shall require the applicant's signature and shall elicit from him:

1. A request for absentee ballots to be voted in a specified State-wide primary or general election.
2. A statement of his political party affiliation if he seeks to vote by absentee ballot in a primary election.
3. A statement of his membership in the armed forces of the United States, or his membership in one of the other categories to which this article is made applicable in § 163-245.
4. A statement of the precinct in which he is registered to vote, or, if the applicant is not registered, a statement of his address before entering military or other qualifying service and the period of time he resided at that address.
5. A statement of the address to which the absentee ballots should be mailed.

In lieu of using a form prepared and furnished by the county board of elections, the voter may apply in an informal writing. If the written

application is signed by the voter and if it contains all the information required by this subsection, it shall be regarded as sufficient to permit the chairman of the county board of elections to act upon it.

§ 163-248. Register, ballots, container-return envelopes, and instructions sheets.—(a) Register of Military Absentee Ballot Applications and Ballots Issued: The State Board of Elections shall furnish the chairman of the board of elections in each county of the State with a book to be called the Register of Military Absentee Ballot Applications and Ballots Issued in which shall be recorded whatever information and official action may be required by this article. In lieu of furnishing this register, the State Board of Elections may provide for a separate military section in the register furnished under the provisions of § 163-228 which shall be used for the same purpose.

The Register of Military Absentee Ballot Applications and Ballots Issued, whether contained in a separate book or maintained as a separate part of the register furnished under the provisions of § 163-228, shall constitute a public record and shall be opened to the inspection of any registered voter of the county at any time.

(b) Absentee ballot form: Persons entitled to vote by absentee ballot under the terms of this article shall be furnished with regular official ballots; separate or distinctly marked absentee ballots shall not be used. The State Board of Elections and the county boards of elections shall have all necessary ballots printed and in the hands of the proper election officials not later than, in the case of a primary election, 10 days after the time has expired for the filing of candidacy for county office, and in the case of a general election, the first day of September immediately prior thereto.

(c) Container-return envelope: The county board of elections shall print a sufficient number of envelopes in which persons casting military absentee ballots may transmit their marked ballots to the chairman of the county board of elections. In the case of a primary election, the container-return envelopes shall be printed and available for use not later than 10 days after the time has expired for the filing of candidacy for county office, and in the case of a general election, not later than the first day of September immediately prior thereto. Each container-return envelope shall be printed in accordance with the following instructions:

1. On one side shall be arranged identified spaces in which the chairman of the county board of elections may insert the name of the applicant, the number assigned his application, and the designation of the precinct in which his ballots are to be voted.

2. On the other side shall be printed the return address of the chairman of the county board of elections and the following certificate:

Certificate of Absentee Voter

I, _____, do hereby certify that I am a resident and qualified voter in _____ precinct,

_____ County, North Carolina, and that I am [check whichever of the following statements is correct]

- Serving in the armed forces of the United States
- The wife of a member of the armed forces of the United States residing outside the county of my husband's residence
- A disabled war veteran in a United States government hospital
- A civilian attached to and serving outside the United States with the armed forces of the United States
- A member of the Peace Corps

I further certify that I am affiliated with the _____
Party. [To be completed only if applicant seeks to vote in the primary
of the political party to which he belongs.]

I further certify that the following is my official address: _____

[Unit (Co., Sq., Trp., Bn., etc.), Governmental Agency, or Office]

[Military Base, Station, Camp, Fort, Ship, Airfield, etc.]

[Street number, APO, or FPO number]

[City, postal zone, State, and zip code]

I further certify that I made application for absentee ballots and that I marked the ballots enclosed herein, or that they were marked for me in my presence and according to my instruction.

Witness my hand in the presence of _____
[insert name and rank of witnessing officer] this _____ day
of _____, 19____.

(Signature of voter)

Witness: _____

(Signature of witnessing officer)

Rank or title of witnessing officer:

Unit to which witnessing officer is assigned: _____

Note: This certificate may be witnessed by any commissioned officer or any noncommissioned officer of the rank of sergeant in the Army, petty officer in the Navy, or equivalent rank in other branches of the armed forces of the United States.

(d) Instruction sheets: The county board of election shall prepare and print a sufficient number of sheets of instructions on how voters covered by the provisions of this article are to prepare absentee ballots and return them to the chairman of the county board of elections. In the case of a primary, the instruction sheets shall be printed and available for use not later than 10 days after the time has expired for the filing of candidacy for county office, and in the case of a general election, not later than the first day of September immediately prior thereto.

§ 163-249. Consideration and approval of applications and issuance of absentee ballots.—The procedure to be followed in receiving applications for absentee ballots under this article, passing upon their validity, and issuing absentee ballots shall be governed by the provisions of this section.

(a) **Record of applications received and ballots issued.** Upon receipt of a voter's written application for absentee ballots in either of the forms permitted by § 163-247, the chairman of the county board of elections shall promptly enter in the Register of Military Absentee Ballot Applications and Ballots Issued:

1. Name of voter applying for absentee ballots.
2. Applicant's political party affiliation as stated in an application for ballots in a primary.
3. Number assigned voter's application. (Numbers assigned applications received under the provisions of this article shall be chosen so as

not to be identical with numbers assigned to applications received under the provisions of Article 20.)

4. Precinct in which applicant is registered if he is already registered, or precinct in which applicant is registered by the chairman of the county board of elections under the provisions of subsections (b) and (c) of this section.

5. Address to which ballots are to be mailed.

6. Statement of basis on which applicant asserts his qualifications for obtaining absentee ballots under the provisions of this article.

7. Date application for ballots is received by chairman.

(b) **Determination of validity of applications for absentee ballots; handling applications for persons not registered:** The chairman of the county board of elections shall pass upon the validity of all applications for absentee ballots received under the provisions of this article, and he shall not delegate this responsibility.

If the chairman finds that the applicant is a qualified voter of the county, that he is registered in the precinct stated in his application, that the assertions in his application are true, that they demonstrate that he is entitled to vote by absentee ballot under the terms of this article, and that his application is in proper form, the chairman shall approve the application for absentee ballots.

If the chairman finds that the applicant is not registered to vote in the precinct in which he declares he is a resident, the chairman shall make a reasonable investigation as to the applicant's residence. If the chairman determines that the applicant is a resident of the precinct asserted, that he is eligible to register and vote under the Constitution and statutes of this State, and that his application is otherwise in order, the chairman shall register him according to the procedure specified in subsection (c) of this section and approve his application for absentee ballots.

(c) **Record of chairman's decision; registration by chairman:** At the time the chairman of the county board of elections makes his decision on an application for absentee ballots, he shall enter in the appropriate column in the Register of Military Absentee Ballot Applications and Ballots Issued opposite the name of the applicant a notation of whether his application was "Approved" or "Disapproved." In cases in which the chairman determines that an unregistered applicant is entitled to register, he shall also note in the appropriate column of the register the designation of the precinct in which the applicant is entitled to vote. This entry shall constitute registration and shall entitle an otherwise qualified applicant to receive absentee ballots.

(d) **Delivery of absentee ballots and container-return envelope to applicant:** When the chairman of the county board of elections approves an application for military absentee ballots he shall promptly issue and transmit them in accordance with the following instructions:

1. On the top margin of each ballot the applicant is entitled to vote, the chairman shall write or type the words "Absentee Ballot No. _____" and insert in the blank space the number assigned the applicant's application in the Register of Military Absentee Ballot Applications and Ballots Issued. He shall not write, type, or print any other matter upon the ballots transmitted to the absentee voter.

2. The chairman shall fold and place the ballots (identified in accordance with the preceding instruction) in a container-return envelope and write or type in the appropriate blanks thereon, the absentee voter's name, his application number, and the designation of the precinct in which his ballots are to be voted. The chairman shall leave the container-return envelope holding the ballots unsealed.

3. The chairman shall then place the unsealed container-return en-

velope holding the ballots, together with printed instructions for voting and returning the ballots, in an envelope addressed to the applicant at the address stated in his application, seal the envelope, and mail it at the expense of the county board of elections.

§ 163-250. Voting absentee ballots and transmitting them to chairman of county board of elections.—(a) **Procedure for voting absentee ballots:** In the presence of any commissioned officer or noncommissioned officer of the rank of sergeant in the Army, petty officer in the Navy, or equivalent rank in other branches of the armed forces of the United States, the voter shall:

1. Mark his ballots, or cause them to be marked in his presence according to his instructions.
2. Fold each ballot separately, or cause each of them to be folded in his presence.
3. Place the folded ballots in the container-return envelope and securely seal it, or have this done in his presence.
4. Make and subscribe the certificate printed on the container-return envelope according to the provisions of § 163-248(c).

The officer witnessing the voter's signature shall then complete the form on the container-return envelope by signing his name in the appropriate place and entering his rank or title and the designation of the unit to which he is assigned.

(b) **Transmitting executed absentee ballots to chairman of county board of elections:** When executed and witnessed in accordance with the provisions of subsection (a) of this section, the sealed container-return envelope in which executed absentee ballots have been placed shall be mailed by the voter to the chairman of the county board of elections who issued them.

§ 163-251. Certified list of approved military absentee ballot applications; record of ballots received; disposition of list; list constitutes registration.—(a) **Preparation of list:** Before noon on the day of a State-wide primary or general election, the chairman of the county board of elections shall prepare for each precinct a list, in quadruplicate, of all applications for military absentee ballots which he has received, entered in the Register of Military Absentee Ballot Applications and Ballots Issued, and approved. This list shall be entitled "List of Applicants for Military Absentee Ballots to Whom Ballots Have Been Issued." By the name of each applicant whose executed military absentee ballots have been returned to him the chairman shall enter the notation "Ballots Returned." At the end of the list the chairman shall execute the following certificate under oath:

State of North Carolina

County of _____

I, _____, Chairman of the _____ County Board of Elections, do hereby certify that the foregoing is a list of all applications filed with me for absentee ballots under the provisions of the Military Absentee Ballot Law to be voted in the _____

_____ [Insert either "primary or "general," whichever is appropriate] election on the _____ day of _____

_____, 19_____. I further certify:

1. That I have issued military absentee ballots to no other persons than those listed therein, whose original applications are herewith filed with the State Board of Elections;
2. That I have not delivered military absentee ballots to any person other than the voter himself, by mail or in person;

3. That I have received executed ballots from those absentee voters whose names are marked on this list with the notation "Ballots returned," whose unopened container-return envelopes have been delivered to the appropriate precinct registrars for voting;

4. That this list constitutes the only precinct registration of military absentee voters whose names have not heretofore been entered on the regular registration of the appropriate precinct.

This the _____ day of _____, 19_____.

(Signature of chairman of county board
of elections)

Sworn to and subscribed before me this _____ day of

----- 19, -----.

Witness my hand and official seal.

(Signature of officer administering oath)

(SEAL)

(Title of officer)

(b) **Distribution of list:** Before noon on the day of the primary or general election in which the military absentee ballots are to be cast, the chairman of the county board of elections shall send one copy of the list required by this section, together with the original of all applications for military absentee ballots received by him, by registered mail to the Chairman of the State Board of Elections at Raleigh, North Carolina. Also before noon he shall see that two copies of the appropriate precinct list, together with the unopened container-return envelopes enclosing military absentee ballots to be voted in the precinct, are delivered to the registrar at the voting place. The chairman shall retain one copy for himself.

If, after preparing and delivering the lists, original applications, and unopened container-return envelopes as prescribed in the preceding paragraph, the chairman should, before 3:00 p.m. on primary or election day, receive additional executed military absentee ballots, he shall prepare, in quadruplicate a supplemental list for each affected precinct. The chairman shall immediately send one copy of the supplemental list required by this section, together with the original of all applications for military absentee ballots entered thereon, by registered mail to the Chairman of the State Board of Elections, at Raleigh, North Carolina. He shall see that two copies of the appropriate supplemental precinct list, together with the unopened container-return envelopes enclosing the ballots recorded on the supplemental list, are delivered to the precinct registrar before the polls are closed on primary or election day. He shall retain one copy of each supplemental list for himself.

The registrar shall post one copy of the list and one copy of the supplemental list, if any, as required by § 163-154. He shall retain the other copy or copies until all challenges of military absentee ballots have been heard and decided. The precinct posting of this list shall be sufficient to validate the ballots of absentee voters listed thereon when their ballots are in all other respects regular.

(c) **List constitutes registration:** The "List of Applicants for Military Absentee Ballots to Whom Ballots Have been Issued" prescribed by this section, when delivered to the registrars of the various precincts, shall constitute the only precinct registration of the military absentee voters listed thereon whose names are not already entered in the registration records of the appropriate precinct. Registrars shall not add the

names of persons listed on the military absentee list to the regular registration books of their precincts.

§ 163-252. Unlawful absentee voting in primary made misdemeanor.—Any person not covered by the provisions of § 163-245 who shall vote or attempt to vote by absentee ballot in any primary shall be guilty of a misdemeanor and punished by a fine of not more than two hundred dollars ([200.00]) or imprisoned for not more than six months, or both, in the discretion of the court.

§ 163-253. Article inapplicable to persons after change of status; re-registration required.—Upon discharge from the armed forces of the United States or termination of any other status qualifying him to register and vote by absentee ballot under the provisions of this article, the voter shall not be entitled to vote by military absentee ballot, and if he was registered under the provisions of this article his registration shall become void and he shall be required to register under the provisions of Article 7 before being entitled to vote in any primary or election.

§ 163-254 through § 163-258 reserved for future use.

SUBCHAPTER VIII.

CRIMINAL OFFENSES

ARTICLE 22.

CORRUPT PRACTICES AND OTHER OFFENSES AGAINST THE ELECTIVE FRANCHISE.

§ 163-259. Definitions.—When used in this article:

- (1) The term "campaign committee" includes any committee, association or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the nomination or election of any candidate at any primary, general or special election;
- (2) The term "candidate" means an individual whose name is presented for any office to be voted upon any ballot at any primary, general or special election;
- (3) The term "contribution" means any gift, payment, subscription, loan, advance, deposit of money, or anything of value, and includes any contract, promise or agreement to give, subscribe for, pay, loan, advance or deposit any money or other thing of value to or for the benefit of any candidate at any primary, general or special election, and whether or not said contract, promise or agreement is legally enforceable;
- (4) The term "expenditure" means a payment, distribution, loan, advance, deposit or gift of money or anything else of value whatsoever, and includes a contract, promise or agreement to pay, distribute, give, loan, advance, or deposit any money or anything of value whatsoever, and whether or not such contract, promise, or agreement is legally enforceable;
- (5) The term "person" includes an individual, partnership, committee, association, corporation or any other organization or group of persons.

§ 163-260. Detailed accounts to be kept by candidates and others.—It shall be the duty of every candidate and the chairman and treasurer of any and every campaign committee to keep a detailed and exact account of:

- (1) All contributions made to or for such candidate or committee;
- (2) The name and address of every person making any such contribution, and the date thereof;
- (3) All expenditures made by or on behalf of such candidate or committee;
- (4) The name and address of every person to whom any such expenditure is made, and the date thereof.

§ 163-261. Detailed accounting to candidates of persons receiving contributions.—Every person who receives a contribution for a candidate or for a campaign committee in any primary, general or special election shall render such candidate or campaign committee, within five days after receipt of such contribution, a detailed account thereof, including the name and address of the person making such contribution.

§ 163-262. Detailed accounting of persons making expenditures.—Every person who makes any expenditure in behalf of any candidate or campaign committee in any primary, general or special election shall

render to such candidate or campaign committee, within five days after making such expenditure, a detailed account thereof, including the name and address of the person to whom such expenditure was made.

§ 163-263. Statements under oath of pre-primary expenses of candidates; report after primary.—It shall be the duty of every person who shall be a candidate for nomination in any primary for any federal, State or district office, or for the State Senate in a district composed of more than one county, except where there shall be agreement for rotation as provided in § 163-116, to file, under oath, 10 days before such primary, with the Secretary of State, an itemized statement of all expenditures made by him or which he knows to have been made by anyone for him, and of all contributions made to him, directly or indirectly, and also to file, under oath, within 20 days after such primary, with the Secretary of State, an itemized statement of all expenditures made by him or which he knows to have been made by anyone else for him, and also of all contributions made to him, directly or indirectly, by any person, with detailed account of such contributions and expenditures as set out in § 163-264. And it shall be the duty of every person who shall be a candidate for nomination for the State Senate, except those to whom the preceding sentence applies, for the House of Representatives, and for any county office, to file a like statement with the clerk of the superior court of the county of his residence at the times hereinbefore prescribed for filing such statements by candidates for federal, State and district offices as set out in the preceding sentence: Provided, however, that candidates for the House of representatives in multi-county representative districts shall file copies of the said statement with the clerk of superior court of each county in the representative district.

It shall be the duty of the chairman of the county board of elections to send a written notice to each candidate in a primary election who filed a notice of candidacy with said chairman, and who had one or more candidates to run against the candidate in the primary, of this requirement to file his or her primary campaign statement of expenses with the clerk of the superior court both before and after the primary. Such notice shall not be required where an unopposed candidate did not have to run in the primary and was nominated without party opposition.

§ 163-264. Contents of such statements.—The statement of contributions and expenditures as required by the preceding sections of this article shall be itemized as follows:

- (1) The name and address of each person who has made a contribution to or for such candidate or to or for his campaign committee within the calendar year, together with the amount and date of such contributions;
- (2) The Total sum of all contributions made to or for such candidate or to or for his campaign committee during the calendar year;
- (3) The name and address of each person to whom, during the calendar year, an expenditure has been made by or in behalf of such candidate or by or in behalf of his campaign committee, and the amount, date, and purpose of such expenditure;
- (4) The name and address of each person by whom an expenditure has been made during the calendar year in behalf of such candidate or his campaign committee and reported to such candidate or campaign committee, and the amount, date, and purpose of such expenditure;
- (5) The total sum of all expenditures made during the calendar year in behalf of such candidate or his campaign committee by any person and reported to such candidate or his campaign committee, and the amount, date, and purpose of such expenditure;
- (6) The total sum of all expenditures made by such candidate or his campaign committee, or any person in his behalf during the calendar year.

§ 163-265. Statements required of campaign committees covering more than one county; verification of statements required.—A like statement as that required in the preceding section shall be filed by any and all campaign committees as hereinbefore defined with the Secretary of State not more than 15 days nor less than 10 days before any primary, general or special election, and not more than 20 days after any such primary, general or special election, if said campaign committee is making expenditures in more than one county; and if such campaign committee is making expenditures in only one county, a like or similar report so itemized shall be made within the same periods to the clerk of the superior court of such county.

All of the statements or reports of contributions or expenditures as in this article required of any candidate or campaign committee must be verified by the oath or affirmation of the person filing such statement or report, taken before any officer authorized to administer oaths.

§ 163-266. Failure to report contributions or expenditures made misdemeanor.—(a) It shall be unlawful for any person to make any contribution or expenditure to aid, or in behalf of any candidate or campaign committee, in any primary, general or special election, unless the same be reported immediately to such candidate or campaign committee, to the end that it may be included by him or it in the reports required of him by law. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

(b) It shall be unlawful for any candidate or any chairman or treasurer of a campaign committee to fail to make under oath the report or reports required of him or it by §§ 163-263 to 163-265, or for any campaign committee to fail to furnish to a candidate a duplicate copy of the report to be made by it or its chairman or treasurer. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

§ 163-267. Secretary of State to report failure to file reports.—It shall be the duty of the Secretary of State, after the time has expired for the filing of statements of campaign contributions and expenditures with the Secretary of State by candidates in a primary election as is provided in §§ 163-263 to 163-265, to immediately thereafter report to the Attorney General of North Carolina the names and addresses of all candidates for federal, State, or district offices who have failed to file such statement in compliance with the provisions of said sections. Upon receipt of said report from the Secretary of State, it shall be the duty of the Attorney General, in accordance with the provisions of § 163-268, to notify the proper prosecuting officer who shall prosecute any person violating the provisions of the preceding sections of this article.

§ 163-268. Secretary of State and superior court clerks to request reports; Attorney General and solicitors to prosecute.—It shall be the duty of the Secretary of State and the several clerks of the superior court to call upon the candidates and chairmen and treasurers of campaign committees for the reports required to be made by §§ 163-263 to 163-265. If any candidate or chairman or treasurer of a campaign committee shall fail or neglect to make to the Secretary of State the reports required by said sections, then the Secretary of State shall bring such failure to the attention of the Attorney General, whose duty it shall then be to initiate a prosecution against such candidate or chairman or treasurer of such campaign committee for such violation of this article. If the Attorney General shall be a candidate in any such primary or election, such duty as herein required to be performed by him with respect to any contest in which he participates shall be performed by the solicitor of the solicitorial district of which Wake County is a part. If a candidate or the chairman

or treasurer of a campaign committee fails to make the report to the clerk of the superior court as required by said sections, then said clerk of the superior court shall bring such failure to the attention of the solicitor of the solicitorial district in which such county is a part, and said solicitor shall institute a prosecution for violation of said sections.

§ 163-269. Violations by corporations.—It shall be unlawful for any corporation doing business in this State, either under domestic or foreign charter, directly or indirectly to make any contribution or expenditure in aid or in behalf of any candidate or campaign committee in any primary or election held in this State, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used, or for any contribution or expenditure so made; or for any officer, director, stockholder, attorney or agent of any corporation to aid, abet, advise or consent to any such contribution or expenditure, or for any person to solicit or knowingly receive any such contribution or expenditure.

Any officer, director, stockholder, attorney or agent of any corporation aiding or abetting in any contribution or expenditure made in violation of this section shall, in addition to being guilty of a misdemeanor as hereinafter set out, be liable to such corporation for the amount of such contribution or expenditure, and the same may be recovered of him upon suit by any stockholder thereof. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

§ 163-270. Using funds of insurance companies for political purposes.—No insurance company or association, including fraternal beneficiary associations, doing business in this State shall, directly or indirectly, pay or use, or offer, consent or agree to pay or use, any money or property for or in aid of any political party, committee or organization, or for or in aid of any corporation, joint-stock company, or other association organized or maintained for political purposes, or for or in aid of any candidate for political office or for nomination for such office, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used. An officer, director, stockholder, attorney or agent for any corporation or association which violates any of the provisions of this section, who participates in, aids, abets, advises or consents to any such violation, and any person who solicits or knowingly receives any money or property in violation of this section, shall be guilty of a misdemeanor, and shall be punished by imprisonment for not more than one year and a fine of not more than one thousand dollars.

Any officer aiding or abetting in any contribution made in violation of this section shall be liable to the company or association for the amount so contributed. The Insurance Commissioner may revoke the license of any company violating this section. No person shall be excused from attending and testifying, or producing any books, papers or other documents before any court or magistrate, upon any investigation, proceeding or trial for a violation of any of the provisions of this section, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate or degrade him; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be used against him upon criminal investigation or proceeding.

§ 163-271. Intimidation of voters by officers made misdemeanor.—It shall be unlawful for any person holding any office, position, or employment in the State government, or under and with any department, institution, bureau, board, commission, or other State agency, or under and with any county, city, town, district, or other political subdivision, di-

rectly or indirectly, to discharge, threaten to discharge, or cause to be discharged, or otherwise intimidate or oppress any other person in such employment on account of any vote such voter or any member of his family may cast, or consider or intend to cast, or not to cast, or which he may have failed to cast, or to seek or undertake to control any vote which any subordinate of such person may cast, or consider or intend to cast, or not to cast, by threat, intimidation, or declaration that the position, salary, or any part of the salary of such subordinate depends in any manner whatsoever, directly or indirectly, upon the way in which such subordinate or any member of his family casts, or considers or intends to cast, or not to cast his vote, at any primary or election. Any person violating this section shall be guilty of a misdemeanor and punished by fine or imprisonment, or both, in the discretion of the court.

§ 163-272. Disposing of liquor at or near voting places.—If any person shall give away or shall sell any intoxicating liquor, except for medical purposes and upon the prescription of a practicing physician, at any place within five miles of the voting place, at any time within twelve hours next preceding or succeeding any public election, whether general, local, or municipal, or during the holding thereof, he shall be guilty of a misdemeanor, and shall be fined not less than one hundred nor more than one thousand dollars.

§ 163-273. Offenses of voters; interference with voters; penalty.—(a) Any person who shall, in connection with any primary or election in this State, do any of the acts and things declared in this section to be unlawful, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court. It shall be unlawful:

(1) For a voter, except as otherwise provided in this chapter, to allow his ballot to be seen by any person.

(2) For a voter to take or remove, or attempt to take or remove, any ballot from the voting enclosure.

(3) For any person to interfere with, or attempt to interfere with, any voter when inside the voting enclosure.

(4) For any person to interfere with, or attempt to interfere with, any voter when marking his ballots.

(5) For any voter to remain longer than the specified time allowed by this chapter in a voting booth, after being notified that his time has expired.

(6) For any person to endeavor to induce any voter, while within the voting enclosure, before depositing his ballots, to show how he marks or has marked his ballots.

(7) For any person to aid, or attempt to aid, any voter by means of any mechanical device, or any other means whatever, while within the voting enclosure, in marking his ballots.

(b) Election officers shall cause any person committing any of the offenses set forth in subsection (a) of this section to be arrested and shall cause charges to be preferred against the person so offending in a court of competent jurisdiction.

§ 163-274. Certain acts declared misdemeanors.—Any person who shall, in connection with any primary or election in this State, do any of the acts and things declared in this section to be unlawful, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court. It shall be unlawful:

(1) For any person to fail, as an officer or as a judge or registrar of a primary or election, or as a member of any board of elections, to prepare

the books, ballots, and return blanks which it is his duty under the law to prepare, or to distribute the same as required by law, or to perform any other duty imposed upon him within the time and in the manner required by law;

(2) For any person to continue or attempt to act as a judge or registrar of a primary or election, or as a member of any board of elections, after having been legally removed from such position and after having been given notice of such removal;

(3) For any person to break up or by force or violence to stay or interfere with the holding of any primary or election, to interfere with the possession of any ballot box, election book, ballot, or return sheet by those entitled to possession of the same under the law, or to interfere in any manner with the performance of any duty imposed by law upon any election officer or member of any board of elections;

(4) For any person to be guilty of any boisterous conduct so as to disturb any member of any election board or any registrar or judge of election in the performance of his duties as imposed by law;

(5) For any person to bet or wager any money or other thing of value on any election;

(6) For any person, directly or indirectly, to discharge or threaten to discharge from employment, or otherwise intimidate or oppose any legally qualified voter on account of any vote such voter may cast or consider or intend to cast, or not to cast, or which he may have failed to cast;

(7) For any person to publish in a newspaper or pamphlet or otherwise, any charge derogatory to any candidate or calculated to affect the candidate's chances of nomination or election, unless such publication be signed by the party giving publicity to and being responsible for such charge;

(8) For any person to publish or cause to be circulated derogatory reports with reference to any candidate in any primary or election, knowing such report to be false or in reckless disregard of its truth or falsity, when such report is calculated or intended to affect the chances of such candidate for nomination or election;

(9) For any person to give or promise, in return for political support or influence, any political appointment or support for political office;

(10) For any chairman of a county board of elections or other returning officer to fail or neglect, willfully or of malice, to perform any duty, act, matter or thing required or directed in the time, manner and form in which said duty, matter or thing is required to be performed in relation to any primary, general or special election and the returns thereof;

(11) For any clerk of the superior court to refuse to make and give to any person applying in writing for the same a duly certified copy of the returns of any primary or election or of a tabulated statement in a primary or election, the returns of which are by law deposited in his office, upon the tender of the fees therefor;

(12) For any person willfully and knowingly to impose upon any blind or illiterate voter a ballot in any primary or election contrary to the wish or desire of such voter, by falsely representing to such voter that the ballot proposed to him is such as he desires.

§ 163-275. Certain acts declared felonies.—Any person who shall, in connection with any primary, general or special election held in this State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a felony and upon conviction shall be imprisoned in the State's prison not less than four months or fined not less than one thousand dollars, or both, in the discretion of the court. It shall be unlawful:

- (1) For any person fraudulently to cause his name to be placed upon the registration books of more than one election precinct or fraudulently to cause or procure his name or that of any other person to be placed upon the registration books in any precinct when such registration in that precinct does not qualify such person to vote legally therein, or to impersonate falsely another registered voter for the purpose of voting in the stead of such other voter;
- (2) For any person to give or promise or request or accept at any time, before or after any such primary or election, any money, property or other thing of value whatsoever in return for the vote of any elector;
- (3) For any person who is an election officer, a member of an election board or other officer charged with any duty with respect to any primary or election, knowingly to make any false or fraudulent entry on any election book or any false or fraudulent returns; or knowingly to make or cause to be made any false statement on any ballot, or to do any fraudulent act, or knowingly and fraudulently omit to do any act or make any report legally required of such person;
- (4) For any person knowingly to swear falsely with respect to any matter pertaining to any primary or election;
- (5) For any person convicted of a crime which excludes him from the right of suffrage, to vote at any primary or election without having been restored to the right of citizenship in due course and by the method provided by law;
- (6) For any person to take corruptly the oath prescribed for voters, and the person so offending shall be guilty of perjury;
- (7) For any person with intent to commit a fraud to register or vote at more than one precinct or more than one time, or to induce another to do so, in the same primary or election, or to vote illegally at any primary or election;
- (8) For any registrar or any clerk or copyist to make any entry or copy with intent to commit fraud;
- (9) For any election official or other officer or person to make, certify, deliver or transmit any false returns of any primary or election, or to make any erasure, alteration, or conceal or destroy any election ballot, book, record, return or process with intent to commit a fraud;
- (10) For any person to assault any registrar, judge of election or other election officer while in the discharge of his duty in the registration of voters or in conducting any primary or election;
- (11) For any person, by threats, menaces or in any other manner, to intimidate or attempt to intimidate any registrar, judge of election or other election officer in the discharge of his duties in the registration of voters or in conducting any primary or election;
- (12) For any registrar, judge of election, member of a board of elections, assistant, marker, or other election official, directly or indirectly, to seek, receive or accept money or the promise of money, the promise of office, or other reward or compensation from a candidate in any primary or election or from any source other than such compensation as may be provided by law for his services;
- (13) For any person falsely to make or present any certificate or other paper to qualify any person fraudulently as a voter, or to attempt thereby to secure to any person the privilege of voting.

§ 163-276. Convicted officials; removal from office.—Any public official who shall be convicted of violating any provision of Articles 13 or 22 of this chapter, in addition to the punishment provided by law, shall

be removed from office by the judge presiding, and, if the conviction is for a felony, shall be disqualified from voting until his citizenship is restored as provided by law, and if the conviction is for a misdemeanor, he shall be disqualified from voting for a period of two years.

§ 163-277. Compelling self-incriminating testimony; person so testifying excused from prosecution.—No person shall be excused from attending or testifying or producing any books, papers or other documents before any court or magistrate upon any investigation, proceeding or trial for the violation of any of the provisions of this article, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate or degrade him, but such person may be subpoenaed and required to testify by and for the State relative to any offense arising under the provisions of this article; but such person shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be used against him upon any criminal investigation or proceeding, but such person so compelled to testify with respect to any acts of his own shall be immune from prosecution on account thereof, and shall be pardoned for any violation of law about which such person shall be so required to testify.

§163-278. Duty of Attorney General and solicitors to prosecute violations of article.—It shall be the duty of the Attorney General, the solicitors of the several solicitorial districts, and all prosecuting attorneys of courts inferior to the superior court, to make diligent inquiry and investigation with respect to any violations of this article, and said officers are authorized and empowered to subpoena and compel the attendance of any person or persons before them for the purpose of making such inquiry and investigation.

SUBCHAPTER IX. ARTICLE VI. CONSTITUTION OF NORTH CAROLINA

SUFFRAGE AND ELIGIBILITY TO OFFICE

NOTE—This Article of the constitution is printed in this pamphlet for the convenience of the registrars in applying the educational test of ability to read and write the constitution before being allowed to register.

Sec. 1. WHO MAY VOTE. Every person born in the United States, and every person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people in the State, except as herein otherwise provided.

Sec. 2. QUALIFICATIONS OF VOTERS. Any person who shall have resided in the State of North Carolina for one year, and in the precinct, ward or other election district in which such person offers to vote for thirty days next preceding an election, and possessing the other qualifications set out in this Article, shall be entitled to vote at any election held in this State; provided that removal from one precinct, ward or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which such person has removed until thirty days after such removal. No person who has been convicted, or who has confessed his guilt in open court upon indictment, of any crime the punishment of which now is, or may hereafter be, imprisonment in the State's Prison, shall be permitted to vote, unless the said person shall be first restored to citizenship in the manner prescribed by law. (As amended in the 1954 election.)

Sec. 3. VOTERS TO BE REGISTERED. Every person so offering to vote shall be at the time a legally registered voter as herein prescribed, and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article.

Sec. 4. QUALIFICATION FOR REGISTRATION. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: Provided, he shall have registered in accordance with the terms of this section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under section two of this article.

Sec. 5. INDIVISIBLE PLAN; LEGISLATIVE INTENT. That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts, and to make them so dependent upon each other, that the whole shall stand or fall together.

Sec. 6. ELECTIONS BY PEOPLE AND GENERAL ASSEMBLY. All elections by the people shall be by ballot, and all elections by the General Assembly shall be *Viva voce*.

Sec. 7. ELIGIBILITY TO OFFICE; OFFICIAL OATH. Every voter in North Carolina, except as in this article disqualified, shall be eligible to office, but before entering upon the duties of the office he shall take and subscribe the following oath:

"I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as _____, so help me, God."

Sec. 8. DISQUALIFICATION FOR OFFICE. The following classes of persons shall be disqualified for office: First, all persons who shall deny the being of Almighty God. Second, all persons who shall have been convicted or confessed their guilt on indictment pending, and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime for which the punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or of corruption or malpractice in office, unless such persons shall be restored to the rights of citizenship in a manner prescribed by law.

Sec. 9. WHEN THIS CHAPTER OPERATIVE. That this amendment to the Constitution shall go into effect on the first day of July, nineteen hundred and two, if a majority of votes cast at the next general election shall be cast in favor of this suffrage amendment.

**SUBCHAPTER X. CONGRESSIONAL, JUDICIAL, SOLICITORIAL
AND SENATORIAL DISTRICTS OF NORTH CAROLINA****CONGRESSIONAL DISTRICTS**

District 1: Beaufort, Bertie, Camden, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, Jones, Lenoir, Martin, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, Washington.

District 2: Edgecombe, Franklin, Granville, Greene, Halifax, Nash, Northampton, Person, Vance, Warren, Wilson.

District 3: Carteret, Duplin, Harnett, Johnston, Onslow, Pender, Sampson, Wayne.

District 4: Chatham, Durham, Orange, Randolph, Wake.

District 5: Alleghany, Ashe, Davidson, Davie, Forsyth, Stokes, Surry, Yadkin.

District 6: Alamance, Caswell, Guilford, Rockingham.

District 7: Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Robeson.

District 8: Anson, Cabarrus, Lee, Montgomery, Moore, Richmond, Rowan, Scotland, Stanly, Union.

District 9: Iredell, Lincoln, Mecklenburg, Wilkes.

District 10: Alexander, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Watauga.

District 11: Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey.

(Superior Courts) JUDICIAL DISTRICTS (District Courts)

First District—Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans.

Second District—Beaufort, Hyde, Martin, Tyrrell, Washington.

Third District—Carteret, Craven, Pamlico, Pitt.

Fourth District—Duplin, Jones, Onslow, Sampson.

Fifth District—New Hanover, Pender.

Sixth District—Bertie, Halifax, Hertford, Northampton.

Seventh District—Edgecombe, Nash, Wilson.

Eighth District—Greene, Lenoir, Wayne.

Ninth District—Franklin, Granville, Person, Vance, Warren.

Tenth District—Wake.

Eleventh District—Harnett, Lee, Johnston.

Twelfth District—Cumberland, Hoke.

Thirteenth District—Bladen, Brunswick, Columbus.

Fourteenth District—Durham.

Fifteenth District—Alamance, Chatham, Orange.

Sixteenth District—Robeson, Scotland.

Seventeenth District—Caswell, Rockingham, Stokes, Surry.

Eighteenth District—Guilford.

Nineteenth District—Cabarrus, Montgomery, Randolph, Rowan.

Twentieth District—Anson, Moore, Richmond, Stanly, Union.

Twenty-first District—Forsyth.

Twenty-second District—Alexander, Davidson, Davie, Iredell.

Twenty-third District—Alleghany, Ashe, Wilkes, Yadkin.

Twenty-fourth District—Avery, Madison, Mitchell, Watauga, Yancey.

Twenty-fifth District—Burke, Caldwell, Catawba.

Twenty-sixth District—Mecklenburg.

Twenty-seventh District—Cleveland, Gaston, Lincoln.

Twenty-eighth District—Buncombe.

Twenty-ninth District—Henderson, McDowell, Polk, Rutherford, Transylvania.

Thirtieth District—Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain.

(1955, c. 129.)

SOLICITORIAL DISTRICTS

First District—Beaufort, Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell.

Second District—Edgecombe, Martin, Nash, Washington, Wilson.

Third District—Bertie, Granville, Halifax, Hertford, Norhampton, Vance, Warren.

Fourth District—Harnett, Johnston, Lee, Wayne.

Fifth District—Carteret, Craven, Greene, Jones, Pamlico, Pitt.

Sixth District—Duplin, Lenoir, Onslow, Sampson.

Seventh District—Franklin, Wake.

Eighth District—Brunswick, Columbus, New Hanover, Pender.

Ninth District—Cumberland, Hoke.

Nine A—Robeson, Bladen.

Tenth District—Durham.

Ten A—Alamance, Chatham, Orange, Person.

Eleventh District—Alleghany, Ashe, Forsyth.

Twelfth District—Davidson, Guilford.

Thirteenth District—Anson, Moore, Richmond, Scotland, Stanly, Union.

Fourteenth District—Gaston.

Fourteen A—Mecklenburg.

Fifteenth District—Alexander, Cabarrus, Iredell, Montgomery, Randolph, Rowan.

Sixteenth District—Burke, Caldwell, Catawba, Cleveland, Lincoln, Watauga.

Seventeenth District—Avery, Davie, Mitchell, Wilkes, Yadkin.

Eighteenth District—Henderson, McDowell, Polk, Rutherford, Transylvania, Yancey.

Nineteenth District—Buncombe, Madison.

Twentieth District—Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain.

Twenty-first District—Caswell, Rockingham, Stokes, Surry.

1943, c. 134; 1961, c. 730.

SENATORIAL DISTRICTS

First District—(2 Senators) Bertie, Camden, Chowan, Currituck, Gates, Hertford, Northampton, Pasquotank, Perquimans and Washington.

Second District—(1 Senator) Beaufort, Dare, Hyde, Martin and Tyrrell.

Third District—(1 Senator) Carteret, Craven and Pamlico.

Fourth District—(2 Senators) Edgecombe, Halifax, Pitt and Warren.

Fifth District—(1 Senator) Greene, Jones and Lenoir.

Sixth District—(1 Senator) Onslow.

Seventh District—(1 Senator) Franklin, Granville and Vance.

Eighth District—(2 Senators) Johnston, Nash and Wilson.

Ninth District—(1 Senator) Wayne.

Tenth District—(2 Senators) Duplin, New Hanover, Pender and Sampson.

Eleventh District—(2 Senators) Durham, Orange and Person.

Twelfth District—(2 Senators) Wake.

Thirteenth District—(1 Senator) Chatham, Harnett and Lee.

Fourteenth District—(2 Senators) Cumberland and Hoke.

Fifteenth District—(1 Senator) Bladen, Brunswick and Columbus.

Sixteenth District—(1 Senator) Caswell and Rockingham.

Seventeenth District—(1 Senator) Alamance.

Eighteenth District—(3 Senators) Guilford and Randolph.

Nineteenth District—(2 Senators) Davidson, Montgomery, Moore, Richmond and Scotland.

Twentieth District—(1 Senator) Robeson.

Twenty-first District—(1 Senator) Alleghany, Ashe, Stokes and Surry.

Twenty-second District—(2 Senators) Forsyth.

Twenty-third District—(1 Senator) Rowan.

Twenty-fourth District—(2 Senators) Anson, Cabarrus, Stanly and Union.

Twenty-fifth District—(1 Senator) Davie, Watauga, Wilkes and Yadkin.

Twenty-sixth District—(2 Senators) Alexander, Catawba, Iredell and Lincoln.

Twenty-seventh District—(3 Senators) Mecklenburg.

Twenty-eighth District—(1 Senator) Burke and Caldwell.

Twenty-ninth District—(2 Senators) Cleveland and Gaston.

Thirtieth District—(1 Senator) Avery, McDowell and Rutherford.

Thirty-first District—(2 Senators) Buncombe, Madison, Mitchell and Yancey.

Thirty-second District—(1 Senator) Haywood, Henderson and Polk.

Thirty-third District—(1 Senator) Cherokee, Clay, Graham, Jackson, Macon, Swain and Transylvania.

STATE HOUSE OF REPRESENTATIVES—DISTRICTS

First District—(2 Representatives) Camden, Chowan, Currituck, Gates, Pasquotank and Perquimans.

Second District—(2 Representatives) Beaufort, Dare, Hyde, Tyrrell and Washington.

Third District—(2 Representatives) Carteret, Craven and Pamlico.

Fourth District—(3 Representatives) Onslow and Pender.

Fifth District—(2 Representatives) New Hanover.

Sixth District—(2 Representatives) Bertie, Hertford and Northampton.

Seventh District—(2 Representatives) Halifax and Martin.

Eighth District—(2 Representatives) Pitt.

Ninth District—(2 Representatives) Greene, Jones and Lenoir.

Tenth District—(2 Representatives) Wayne.

Eleventh District—(1 Representative) Duplin.

Twelfth District—(2 Representatives) Bladen and Sampson.

Thirteenth District—(2 Representatives) Brunswick and Columbus.

Fourteenth District—(3 Representatives) Edgecombe and Nash.

Fifteenth District—(3 Representatives) Johnston and Wilson.

Sixteenth District—(2 Representatives) Franklin, Vance and Warren.

Seventeenth District—(2 Representatives) Caswell, Granville and Person.

Eighteenth District—(3 Representatives) Durham.

Nineteenth District—(4 Representatives) Wake.

Twentieth District—(2 Representatives) Chatham and Orange.

Twenty-first District—(2 Representatives) Alamance.

Twenty-second District—(2 Representatives) Harnett and Lee.

Twenty-third District—(4 Representatives) Cumberland.

Twenty-fourth District—(4 Representatives) Hoke, Robeson and Scotland.

Twenty-fifth District—(2 Representatives) Rockingham.

Twenty-sixth District—(6 Representatives) Guilford.

Twenty-seventh District—(2 Representatives) Montgomery and Randolph.

Twenty-eighth District—(1 Representative) Moore.

Twenty-ninth District—(1 Representative) Richmond.

Thirtieth District—(5 Representatives) Forsyth.

Thirty-first District—(2 Representatives) Davidson.

Thirty-second District—(1 Representative) Stanly.

Thirty-third District—(2 Representatives) Anson and Union.

Thirty-fourth District—(2 Representatives) Rowan.

Thirty-fifth District—(2 Representatives) Cabarrus.

Thirty-sixth District—(7 Representatives) Mecklenburg.

Thirty-seventh District—(3 Representatives) Alleghany, Ashe, Stokes and Surry.

Thirty-eighth District—(2 Representatives) Wilkes and Yadkin.

Thirty-ninth District—(2 Representatives) Davie and Iredell.

Fortieth District—(2 Representatives) Catawba.

Forty-first District—(4 Representatives) Gaston and Lincoln.

Forty-second District—(3 Representatives) Alexander, Burke and Caldwell.

Forty-third District—(3 Representatives) Cleveland, Polk and Rutherford.

Forty-fourth District—(1 Representative) Avery, Mitchell and Watauga.

Forty-fifth District—(4 Representatives) Buncombe and McDowell.

Forty-sixth District—(1 Representative) Henderson.

Forty-seventh District—(2 Representatives) Haywood, Madison and Yancey.

Forty-eighth District—(1 Representative) Jackson, Swain and Transylvania.

Forty-ninth District—(1 Representative) Cherokee, Clay, Graham and Macon.

**SUBCHAPTER XI. VOTE BY COUNTIES IN 1964 GENERAL
ELECTION FOR PRESIDENT AND GOVERNOR**

County	For President		For Governor	
	Johnson (Dem.)	Goldwater (Rep.)	Moore (Dem.)	Gavin (Rep.)
Alamance.....	15,397	15,177	14,586	15,784
Alexander.....	3,722	3,760	3,721	3,851
Alleghany.....	2,368	1,573	2,463	1,573
Anson.....	4,144	1,721	4,409	1,388
Ashe.....	4,965	4,191	4,727	4,548
Avery.....	1,523	2,656	1,521	2,714
Beaufort.....	6,090	3,595	6,760	2,761
Bertie.....	3,332	931	3,560	644
Bladen.....	4,516	2,169	4,568	1,769
Brunswick.....	4,240	3,721	4,197	3,769
Buncombe.....	31,623	19,372	29,249	18,084
Burke.....	12,815	10,081	11,617	11,274
Cabarrus.....	11,921	13,178	11,836	13,095
Caldwell.....	10,846	8,733	9,718	10,017
Camden.....	870	534	1,067	276
Carteret.....	6,231	4,289	5,936	4,546
Caswell.....	2,513	1,793	2,932	1,157
Catawba.....	15,814	17,116	15,770	16,413
Chatham.....	5,295	4,111	5,067	4,309
Cherokee.....	3,823	3,106	4,020	3,130
Chowan.....	1,696	787	1,920	525
Clay.....	1,457	1,286	1,484	1,298
Cleveland.....	10,836	7,874	11,871	6,821
Columbus.....	9,004	4,471	9,496	3,750
Craven.....	7,422	4,691	6,593	5,317
Cumberland.....	13,864	9,093	14,200	8,515
Currituck.....	1,455	741	1,819	366
Dare.....	1,476	867	1,665	641
Davidson.....	13,735	17,292	13,729	17,113
Davie.....	3,086	4,460	2,903	4,714
Duplin.....	7,169	3,821	7,246	3,503
Durham.....	22,874	15,264	19,704	15,160
Edgecombe.....	7,834	3,932	8,222	2,994
Forsyth.....	31,615	30,276	28,028	30,255
Franklin.....	4,554	2,097	5,000	1,517
Gaston.....	20,197	17,129	19,798	17,199
Gates.....	1,702	556	1,829	355
Graham.....	1,737	1,398	1,787	1,447
Granville.....	4,596	2,624	5,166	1,746
Greene.....	2,712	901	2,852	724
Guilford.....	39,969	35,635	33,278	37,551
Halifax.....	8,952	4,757	10,759	2,763
Harnett.....	7,477	5,883	7,891	5,499
Haywood.....	10,664	5,575	10,525	5,654
Henderson.....	6,066	8,780	7,237	7,535
Hertford.....	3,953	994	4,196	689
Hoke.....	2,254	779	2,379	636
Hyde.....	1,127	514	1,179	414
Iredell.....	11,231	12,892	12,960	11,176
Jackson.....	4,905	3,183	5,375	2,875

**VOTE BY COUNTIES IN 1964 GENERAL ELECTION FOR PRESIDENT AND
GOVERNOR—CONTINUED**

County	For President		For Governor	
	Johnson (Dem.)	Goldwater (Rep.)	Moore (Dem.)	Gavin (Rep.)
Johnston.....	10,326	7,523	9,520	7,485
Jones.....	2,129	776	2,293	586
Lee.....	4,730	2,753	3,585	3,454
Lenoir.....	7,617	5,617	9,371	3,784
Lincoln.....	7,304	5,869	6,991	6,122
Macon.....	3,774	2,900	4,169	2,617
Madison.....	3,829	3,336	3,622	3,722
Martin.....	4,821	1,511	5,029	1,204
McDowell.....	6,314	4,174	5,972	4,537
Mecklenburg.....	49,582	46,589	46,847	46,829
Mitchell.....	1,736	3,263	1,716	3,305
Montgomery.....	3,933	3,385	3,812	3,492
Moore.....	6,384	5,162	5,964	5,610
Nash.....	9,163	6,396	10,638	4,776
New Hanover.....	12,584	12,140	11,364	12,874
Northampton.....	5,046	1,187	5,486	651
Onslow.....	5,955	3,771	6,081	3,503
Orange.....	9,206	5,785	8,174	6,199
Pamlico.....	1,864	1,036	1,849	1,017
Pasquotank.....	4,269	2,380	5,030	1,591
Pender.....	3,205	1,961	3,215	1,841
Perquimans.....	1,458	941	1,883	498
Person.....	4,740	2,162	5,085	1,690
Pitt.....	11,317	5,149	12,005	4,259
Polk.....	3,017	2,765	3,203	2,471
Randolph.....	10,638	13,739	9,848	14,681
Richmond.....	8,516	3,123	8,354	2,616
Robeson.....	13,796	3,591	14,528	2,831
Rockingham.....	11,432	9,063	11,353	9,139
Rowan.....	14,934	14,804	14,622	15,001
Rutherford.....	9,541	7,115	10,090	6,620
Sampson.....	8,067	7,634	7,981	7,761
Scotland.....	3,844	1,229	4,093	897
Stanly.....	7,931	8,924	7,248	9,550
Stokes.....	4,898	4,664	5,140	4,566
Surry.....	9,810	7,970	9,361	8,441
Swain.....	2,294	1,534	2,352	1,481
Transylvania.....	4,483	3,547	5,007	3,277
Tyrrell.....	996	374	1,093	266
Union.....	7,208	4,229	7,685	3,622
Vance.....	5,186	3,452	6,073	2,430
Wake.....	31,653	22,542	30,515	21,163
Warren.....	2,849	1,909	3,715	1,023
Washington.....	2,505	1,144	2,463	1,073
Watauga.....	4,031	3,932	3,797	4,225
Wayne.....	9,791	7,555	10,135	6,779
Wilkes.....	9,176	11,014	8,148	12,362
Wilson.....	7,238	5,002	7,808	4,215
Yadkin.....	3,638	5,860	3,483	6,101
Yancey.....	3,714	2,004	3,732	2,074
Totals.....	800,139	624,844	790,343	606,165

**SUBCHAPTER XII. RULES ADOPTED BY STATE BOARD OF
ELECTIONS GOVERNING CONTESTS WITH RESPECT TO
ELECTIONS AND REMOVAL OF ELECTION OFFICIALS****ELECTION CONTESTS**

1

When any controversy shall arise with respect to the counting of the ballots, or the certification of the returns of the vote, in any primary or general election, in any precinct or precincts, any candidate or elector desiring to make any complaint or protest regarding same shall make such protest in writing to the County Board of Elections on or before the time fixed by the statutes for the canvassing of the votes for such primary or general election by the County Board of Elections, and said County Board of Elections may determine the controversy at said meeting or at any time hereinafter specified.

If, after the canvass is completed by the County Board of Elections, any candidate or candidates, participating in such primary or election, demands a recount by the County Board of Elections in any one or more precincts in the county, and presents sufficient evidence by affidavit tending to show errors in the canvassing of said votes by the County Board of Elections, either because of an error in the tabulation thereof or because of the counting of alleged illegal ballots, in an amount alleged to be sufficient to change the results of the nomination or election of such candidate or candidates, then this demand for the recount must be made to the chairman or secretary of the County Board of Elections, in writing, by 6 o'clock p.m. on or before the second day following the completion of the original count by said County Board and the declaration by it of the results of said primary or election. The County Board of Elections shall thereupon, within the time prescribed, meet to consider this demand for a recount.

2

Such written protest shall specify the names of each voter whose vote is alleged to have been illegally cast, and shall state the reason or reasons assigned for such illegality.

3

If the protest is based upon any cause other than illegal votes alleged to have been cast, the exact nature of the protest shall be stated so that the County Board of Elections may be fully advised of the nature and character of each charge at the time of filing such written protest. It shall be the duty of the elector or electors filing the same to cause a copy thereof to be served upon the candidate or candidates whose vote in such primary or general election would be adversely affected if such protest should be sustained. The Chairman of the County Board of Elections may require notice to be served on other candidates or electors, or election officials, if in his opinion such others may be directly involved in the controversy.

4

It shall be the duty of the County Board of Elections, upon receipt of such protest or demand for a recount, to fix a time and place when such charges will be heard by it, and said Board may in its discretion allow the evidence to be presented in affidavit form, or it may subpoena witnesses and examine them in person.

If said protest or demand for a recount involves the nomination of a

candidate in a first primary, and there are more than two candidates participating in said primary for the nomination to said office, then the date of the hearing by said County Board must be held, and its decision thereon must be made, within sufficient time for the holding of the second primary on the date specified by law to determine the nomination of the candidate for said office.

5

After hearing the evidence, the County Board of Elections shall pass upon the same, and after having done so it shall be its duty to record its findings and conclusions in its minutes and proceed to certify the results of such election, as required by law. Upon hearing the evidence the County Board of Elections, by a majority vote of its members, may submit its findings of fact to the State Board of Elections for instructions from the State Board of Elections with respect to any conclusions of law arising upon such facts, and it shall be the duty of the State Board of Elections, either through its chairman or executive secretary or a majority of its Board, to advise the County Board with respect thereto.

6

Either party to such protest before the County Board of Elections, acting as a canvassing board, may appeal from its findings of fact or conclusions of law to the State Board of Elections; whereupon it shall be the duty of the State Board of Elections to fix a time and place for hearing the controversy *de novo*.

Appeals to the State Board of Elections, from the decisions of the County Board of Elections, shall be perfected within two days after the decision is rendered by the County Board of Elections in a first primary and five days in a second primary or general election, and the appellant's statement of his case on appeal shall, within said two or five-day period, be mailed to the Chairman or Executive Secretary of the State Board of Elections, together with an extra copy of same for the appellee.

7

Upon such appeal from the County Board of Elections, the State Board of Elections may require the evidence to be presented to it in affidavit form, or at its election it may subpoena and examine witnesses, or both, but the charges investigated shall be only those contained in the original written protest and answer of the respondents, except as to amendments allowed or directed by the State Board.

8

The findings of fact and conclusions of law of the State Board of Elections shall be made in writing and a copy thereof furnished to the protestants and respondents, and one copy filed with the Executive Secretary of the State Board of Elections as a permanent record in said office.

9

Neither the County Board of Elections nor the State Board of Elections will investigate or conduct any hearing of charges or protests frivolous in nature, or which in the opinion of either Board have been filed for the mere purpose of delay, or which have not been made in good faith.

When any charges are preferred either before the County Board of Elections or the State Board of Elections, with respect to the canvass of the vote in any primary or general election, pending the hearing an examination or inspection of the ballots and other official documents of the election officials shall be permitted under such conditions as the Board may prescribe in each particular case, great care being exercised in each instance to preserve all ballots and official records and papers.

CHARGES AGAINST MEMBERS OF COUNTY BOARD OF ELECTIONS

1

Any elector desiring to prefer charges with the State Board of Elections against a member of any County Board of Elections may do so by filing with the Board a statement, in writing, verified by the oath of the elector, which statement must contain:

- (a) The name and postoffice address of the official against whom the charges are preferred.
- (b) A brief, intelligent statement of the facts constituting the official misconduct alleged, with a reference to the date and place of such misconduct.
- (c) The names and addresses, so far as may be known to the persons filing the charges, of persons who have knowledge or information of the matters referred to in the charges as filed.

2

If the charges thus filed show *prima facie* a violation of the election law, a breach of official duty, a participation in intentional irregularities, incapacity or incompetency to discharge the duties of the office, the State Board of Elections will cause notice thereof to be given to the official against whom the charges are preferred, by mail or by such other methods as the Board may adopt, of such charges and name a day and place for the hearing thereof.

3

At such hearing the persons preferring such charges shall appear, and by affidavits, unless otherwise ordered or permitted by the Board, present the evidence tending to support the charges. Such affidavits must be served on the official against whom such charges have been filed, by the person filing the charges, at least three days before the time set for the hearing thereof.

4

The official against whom charges are preferred shall have the right to be heard by affidavit, or otherwise as the Board may direct, in denial, rebuttal, explanation, or extenuation of the charges.

5

The inquiry shall be confined to the charges as filed, but the Board, as a matter of course, may of its own motion investigate any matter coming to its attention or notice as the result of hearing said charges.

6

Either party may make application to the Chairman of the Board for subpoenas for witnesses to be heard orally at such hearing; but such application, in addition to listing the names of the witnesses, shall contain a brief statement of what is expected to be proved by each witness and the reason for not obtaining the affidavit of such witness or witnesses. If, upon such application for subpoenas, the Chairman of the Board is of the opinion that the oral evidence of such witnesses will be helpful to the Board, subpoenas will be issued for the personal appearance of the witnesses, and if required by the subpoena, the witness shall produce such books, papers, or records as may be called for in said subpoena.

CHARGES AGAINST ANY PRECINCT ELECTION OFFICIAL**1**

Any elector may file with the Chairman of any County Board of Elections charges against any precinct election official, and the County Board of Elections shall, in the hearing of such charges, adopt the same procedure as is prescribed herein for hearing of charges filed with the State Board of Elections against a member of the County Board of Elections.

2

Upon the filing of such charges with the County Board of Elections, the Chairman of such Board shall forthwith set the date for the hearing of such charges and immediately transmit to the State Board of Elections a copy of such charges, advising this Board of the date set for the hearing, and at once, after the hearing, advise the State Board of the disposition made by the County Board of the charges thus heard.

From the decision of the County Board the petitioning elector, or responding official, may appeal to the State Board of Elections, when the matter will be heard *de novo*, under the rules prescribed for hearing before the State Board.

SUMMARY INVESTIGATION

The State Board may, whenever the circumstances of any matter pending before it may indicate the necessity therefor, suspend these rules and proceed in a summary manner or make any inquiry or investigation which in its judgment may be necessary or desirable for the prompt and efficient enforcement of the laws pertaining to elections, and the proper performance of their duties by election officials.

**REPORTS OF EVIDENCE TENDING TO SHOW CRIMINAL VIOLATION
OF ELECTION LAWS TO BE MADE TO PROSECUTING OFFICERS**

The State Board of Elections and every County Board of Elections, upon the completion of any hearing with respect to the violation of the election laws, shall report in writing to the appropriate prosecuting officer a resume or summary of all evidence heard by such Board which tends to show that any person or persons probably have been guilty of one or more violations of the election laws, the violation of which is made a crime by law. A record shall be kept by such Board of all such reports to such prosecuting officers. Upon request by any prosecuting officer, the written evidence heard by either Board shall be made available for his examination and official use.

These rules were adopted by the State Board of Elections on the fourteenth day of September, 1934.

**SUBCHAPTER XIII. RULES AND REGULATIONS ADOPTED
BY THE STATE BOARD OF ELECTIONS, MARCH 20TH, 1954
ON USE OF VOTING MACHINES IN NORTH CAROLINA**

I. TYPE OF VOTING MACHINES WHICH MAY BE USED IN NORTH CAROLINA.

Any voting machine adopted by a County Board of Elections for use in any county in North Carolina shall be constructed as to fulfill the following requirements:

1. It shall secure to the voter secrecy in the act of voting.
2. It shall enable each voter to vote a straight party ticket in a general election.
3. It shall provide facilities for voting for all candidates of as many legal political parties as may make nominations.
4. It shall, except in primary elections, permit the voter to vote for all the candidates of one party, or in part for the candidates of one or more other parties.
5. It shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more.
6. It shall prevent the voter from voting for the same persons more than once for the same office.
7. It shall permit the voter to vote for or against any question he may have the right to vote on, but no other.
8. It shall permit each voter in a general election, but not in a primary, to deposit, write in, or affix upon receptacles or devices provided for the purpose, ballots containing the names of persons for whom he desires to vote, whose names do not appear upon the machine.
9. It shall be equipped for use in primary elections so that the election officials can lock out all rows except those of the voter's political party by a single adjustment on the machine.
10. It shall correctly register or record, and accurately count all votes cast for any and all persons, and for or against any and all questions.
11. It shall be provided with a public counter which shall show at all times during an election how many persons have voted.
12. It shall contain proper places on the face of the machine in plain view of the voter when voting where the ballot labels shall be put, either in a perpendicular or horizontal position, so the voter will know exactly how he is voting.
13. It shall contain a locked, concealed counter which shall be concealed at all times during the time the polls are open but which can be opened after the close of the polls and show the total vote cast for each candidate and for each party and on each question or issue submitted.

The State Board of Elections has already approved two types of voting machines for use in this State which comply with all of the above requirements; namely, (1) The Automatic Voting Machine, manufactured by the Automatic Voting Machine Corporation at Jamestown, New York. (2) The Shoup Voting Machine, manufactured by the Shoup Voting Machine Corporation, Philadelphia, Pa.

II. CUSTODY OF VOTING MACHINES:

Voting machines, when not in use, shall be under the custody of the Chairman of the County Board of Elections who shall be directly responsi-

ble to the County Board of Elections for the safe-keeping, storage, maintenance and care of the machines. All voting machines shall be properly stored in a safe, dry building, securely locked so they cannot be tampered with when not in use on election day. The Chairman of the County Board of Elections may appoint as many persons as the Board approves, for the maintenance, storage and care of the voting machines and for the proper preparation of the machines for a primary or election, as well as for their delivery to the voting precincts preceding a primary or an election. These persons so appointed by the Chairman as custodians shall be paid for their services such compensation as the County Board of Elections may authorize and as approved by the County Commissioners. On election day when the machines are being used for voting purposes, and until they are collected by the County Board Chairman, they shall be in the custody of the precinct registrar.

III. INSTRUCTING THE PRECINCT OFFICIALS ON USE OF VOTING MACHINES BY VOTERS:

The Chairman of the County Board of Elections in a county where voting machines are used in more than one voting precinct, shall hold an instruction meeting before any primary or election for the purpose of instructing the precinct registrars and judges on the use of the machines so that they may be qualified to instruct the voters on how to vote on a voting machine. The precinct election officers shall be instructed on the use and operation of the machine according to factory instructions furnished with the machines when they are purchased or rented, and the Chairman of the County Board of Elections shall not permit a voting machine to be used in any precinct in any election unless the Chairman shall be satisfied that the registrar and judges of the precinct have learned the proper use and operation of the machines.

IV. BALLOT LABELS FOR USE ON VOTING MACHINES:

(a) *In Primary Elections*—All voting machine ballot labels for use in any county using voting machines in a primary shall be printed and furnished by the Chairman of the County Board of Elections. The State Board of Elections shall transmit to the said county Chairman a list of the names of all candidates of all political parties who have filed their notices of candidacy with the State Board of Elections and who are entitled to be voted for in the primary election, and the Chairman shall print the names of such candidates on the special voting machine ballot labels, together with the names of all candidates who have filed with the county chairman for legislative, county and township offices, arranged under the proper party name. The names of all of the candidates for each office for each political party shall be printed in alphabetical order under or to the right of the title of the office.

(b) *In General Elections*—All voting machine ballot labels for use in any county using voting machines in a general election shall be printed and furnished by the Chairman of the County Board of Elections. The State Board of Elections shall transmit to the said county chairman a list of the names of all party nominees for the various offices for which the State Board of Elections is required by law to canvass the vote and certify the nominees and who are entitled to be voted for in the general election, and the said County Chairman shall print their names on the special voting machine ballot labels, together with the names of the nominees for the offices for which the County Board of Elections is required to canvass the votes and certify the nominees, under the proper party name.

V. ARRANGEMENT OF POLLING PLACE WHERE VOTING MACHINES ARE USED:

At all elections where voting machines may be used, the arrangement of the polling place shall be the same as is now provided by law, except no voting booths or ballot boxes shall be used. The exterior of the voting machines and every part of the polling room shall be in plain view of the election officers. The machines shall be so placed that the ballot labels on the face of the machines can be plainly seen by the election officers and the party challengers and observers when not in use by voters. The election officers shall not themselves be, or permit any other person to be, in any position that will permit one to see or ascertain how a voter votes, except when the voter requests assistance. It shall be the duty of the registrar to post on the wall inside of the polling room sample voting machine ballots so that voters may inspect them to see where the different *Parties and Candidates and Questions* are located on the machine and thus be able to find them quickly when voting. It is well, where possible to do so, to have a model voting machine, furnished by the manufacturers of the voting machines, set up on the election officers table, where the voters will pass it on their way to the machine, and have one of the judges of election, or an assistant, instruct each voter as he passes by letting the voter operate the model himself. In this way he can become familiar with the manner of operating the voting machine before he enters it, and will not require assistance in operating it.

VI. DELIVERY OF VOTING MACHINES TO PRECINCT REGISTRARS AND WHAT INSPECTIONS TO BE MADE.

It shall be the duty of the Chairman of the County Board of Elections to have each voting machine delivered to the voting places and placed in the custody of the registrar within three days before the election with the ballot labels already in place on each machine. When the machines are delivered to the registrar the said Chairman or his agent shall deliver to the registrar the keys for each machine in a *Sealed Envelope*. The registrar and Chairman shall then check to be sure the number stamped on the *Keys correspond* to the number on the *Voting Machines*. They shall also check to see that the ballot labels are correctly in position and examine the counters to see if they have been turned to 000, and that the machines are in good working order.

VII. DIRECTIONS FOR VOTING WHEN MACHINES ARE USED.

Just preceding the time for the polls to open, the registrar and judges shall open the voting machines and examine the ballot labels and counters to see if it is set at 000, and shall allow any watchers or any electors to examine the same before the voting begins. If found to be correct and in proper form, the counter shall be locked and sealed and remain that way until the polls close.

Provided that any new type voting machines which contain an added feature whereby before the casting of the first vote the status of all the counters in the voting machine may be printed on a paper memorandum which may be withdrawn without opening the machine, and at the close of the election a similar printed record showing the tally on all the counters which may be withdrawn without opening the machine, the above provisions relating to the inspection of the counters on the back of the machine at the opening and closing of the polls shall not be required.

After a voter enters the voting room or enclosure where voting machines are used, he shall follow the same procedure preparatory to voting as if paper ballots were used. The voter shall present himself to the registrar who will check the registration book to ascertain if the voter is properly registered. If found to be registered then the judge keeping the poll book will write his name in the poll book as having voted and the registrar shall

also check his name on the registration book as having voted. If it is a primary election and the voter has no party affiliation recorded against his name on the registration book and refuses to declare his party affiliation, or states that he is an independent voter, then the registrar shall inform him that he cannot vote in the primary as the law now so provides. If the voter does have his party affiliation recorded, then the registrar shall inform the election officer in charge of the voting machine the party affiliation of the voter as recorded, and the party ticket which he may lawfully vote—that is the same party as is recorded for him on the registration book. The voter shall, if properly registered, then go to the officer in charge of the voting machine and present himself for voting. The voter then shall be asked by the officer in charge if he knows how to operate the voting machine. If he says no, the officer, at the voter's request, may explain to the voter how to vote on the machine. If in a primary, the officer must actuate the primary knob or lever for the particular political party with which the voter is enrolled so that he cannot vote for candidates of any other party in the primary. After completing the voting the voter opens the curtains and leaves the voting enclosure.

A voter using a voting machine is entitled to request the same assistance in the actual voting on the machine as the law now allows him to have in marking a paper ballot.

VIII. DIRECTIONS FOR COUNTING OF VOTES AND PREPARING RETURNS: ABSENTEE VOTES COUNTED.

Immediately upon the close of the polls, the precinct election officers shall lock and seal the voting machine against further voting and open the counter compartment in the presence of persons who may be lawfully present at that time, giving full view of the counters. The presiding registrar, under the scrutiny of a judge of a different political party in a general election, or of any precinct official or any voters present in a primary election, shall then, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the result as shown by the counter. He shall also, in the same manner, read and announce the vote on each constitutional amendment, proposition, or other question. As each vote is read and announced, it shall be recorded on two statements by the two judges, and when completed shall be compared with the numbers on the counters of the machine. If found to be correct, the results given by the voting machine counter shall be announced by the presiding registrar. After the reading and announcing of the vote, and before the doors of the counter compartment of the voting machine shall be closed, ample opportunity shall be given to any person or persons lawfully present to compare the results so announced with the counters of the machine and if any corrections are necessary they shall then and there be made by the precinct officials.

Provided that any new type voting machines which contain an added feature whereby before the casting of the first vote the status of all the counters in the voting machine may be printed on a paper memorandum which may be withdrawn without opening the machine, and at the close of the election a similar printed record showing the tally on all the counters which may be withdrawn without opening the machine, the above provisions relating to the inspection of the counters on the back of the machine at the opening and closing of the polls shall not be required.

The election officers shall, as soon as the count is completed and fully ascertained, lock the counter compartment and it shall remain locked for a period of thirty days, except it be ordered opened by a court of competent jurisdiction, or by the State or County Board of Elections.

All absentee ballots received at the precinct on primary or general election day from the Chairman of the County Board of Elections shall be opened, checked and counted by the precinct officers in the same manner as is now provided by law where paper ballots are used. The absentee bal-

lots shall be counted after the polls close and the votes added to the total vote as recorded by the voting machine counter. The precinct returns shall show the total votes received by each party or candidate including both those recorded on the voting machines and those of absentee voters. All of the absentee ballots and envelopes shall be returned by each registrar to the county canvass made by the county Board of Elections on the second day following the election.

IX. COLLECTION OF VOTING MACHINES AND KEYS AFTER ELECTION IS OVER:

The keys of the voting machines shall be enclosed in an envelope to be supplied by the board on which shall be written the number of each machine and the district and precinct where it has been used, which envelope shall be securely sealed and endorsed by the election officers, and shall be returned on canvass day to the board from whom the keys were received. The number on the seal and the number registered on the protective counter shall be written on the envelope containing the keys. All keys for voting machines shall be kept securely locked by the officials having them in charge. Only an authorized person shall have in his possession any key or keys of any voting machine, and all election officers or persons entrusted with such keys for election purposes, or in the preparation of the machine therefor, shall not retain them longer than necessary to use them for such legal purposes. The Chairman of the County Board of Elections shall collect and store all machines as soon after the close of the election as possible, except where they will have to be used in a second primary, and the machines shall at all times be stored in a suitable place within the discretion of the Chairman of the County Board of Elections, including the polling place itself, if suitable.

GENERAL INDEX

ABSENTEE VOTING—See Arts. 20 and 21.

Applicable:

- (a) General elections, Sec. 226.
- (b) Primary elections; For Military service only, Sec. 245.

Application for ballots:

- (a) By absent voter, Sec. 226.
- (b) By sick voter, Sec. 227.
- (c) Form of application, Sec. 227.
- (d) How and by whom made, Sec. 227; 245.
- (e) Issued by chairman only, Sec. 227.
- (f) Issued to whom, Sec. 227; 245.
- (g) Register of, kept by chairman, Sec. 231.
- (h) Register of, public record, Sec. 228.
- (i) Report by chairman to registrars, Sec. 233.
- (J) Report by chairman to State Chairman, Sec. 233.
- (k) When application may be made, Sec. 227; 245.

Ballots furnished applicants, Sec. 227.

Certificates required of voter:

- (a) Absent voter, Sec. 227; 245.
- (b) Sick voter, Sec. 227.

Certificates required of Chairman Election Board:

- (a) To Chairman State Election Board on absentee ballots issued, Sec. 232; 233.

Chairman responsible for issuance of all absentee applications and ballots, Sec. 227.

Chairman to keep register of all applications and ballots issued, Sec. 227.

Chairman to send original applications to State Election Chairman, Sec. 232; 233.

Challenging absentee ballots, Sec. 89.

Container envelope, form of, Sec. 229.

Counting absentee ballots, Sec. 234.

Delivery of ballots to registrars, Sec. 233.

Fraud in connection with, Sec. 237.

List posted by registrars at polls, Sec. 233.

Marking and returning ballots, Sec. 231; 250.

Oath required of voter, Sec. 227.

Oath administered by whom, Sec. 227.

Registration by mail by those in armed forces, Sec. 245.

Time when application may be made, Sec. 227.

Time when ballots received by chairman, Sec. 231.

Time when ballots received by registrar, Sec. 231.

Time of counting ballots, Sec. 231.

Voting machines, paper ballots used, 235.

ABSTRACT OF VOTES.

By County Election Board, Sec. 175; 176.

By State Election Board, Sec. 192.

County boards to transmit to State, Sec. 176; 177.
State Board to file abstracts with Sec. of State, Sec. 192.

ACCOUNTING.

For ballots by registrars, Sec. 142.
For absentee ballots issued by Chairman Election Board to State, Sec. 232.

APPOINTMENT OF ELECTION OFFICIALS.

Assistance at polls, Sec. 42.
County Board of Elections, Sec. 30.
Judges of Election, Sec. 41.
Markers in elections, Sec. 44.
Registrars, Sec. 41.
State Board of Elections, Sec. 19.
Vacancies—County Board, Sec. 30.
Vacancies—Precinct official, Sec. 41.
Vacancies—State Board, Sec. 19.
Watchers, Sec. 45.

ARRANGEMENT.

Voting enclosure, Sec. 146.
Voting booths, Sec. 145.

ASSISTANCE TO VOTERS (See Markers).

In General elections: Sec. 152.
Disabled electors, Sec. 152.
Illiterate electors, Sec. 152.
Members of family may assist, Sec. 152.
In Primary elections: Sec. 152.
Disabled electors, Sec. 152.
Illiterate electors, Sec. 152.
Members of family may assist, Sec. 152.

ASSISTANTS OR CLERKS:

Appointment of, Sec. 42.
Compensation of, Sec. 46.
Qualifications of, Sec. 42.

AUTOMATIC VOTING MACHINE, Sec. 160.**BALLOT BOXES.**

Description of, kinds, Sec. 143.
Distribution of, Sec. 143.
Examining and locking, Sec. 171.
When boxes may be opened for recount, Sec. 175.
Locking, sealing and signing seal, Sec. 171.

BALLOTS.

Accounting for, Sec. 142.
Arrangement of ballots, Sec. 140.

Becoming candidate after ballots are printed, Sec. 112.
Casting ballots, Sec. 150.
Counting of ballots, Sec. 169.
Delivery of ballot to voter, Sec. 150.
Deposited by voter or judge, Sec. 150.
Destroyed or stolen ballots, Sec. 144.
Distribution of ballots, Sec. 150.
Form of ballots, Sec. 140.
Improperly marked, not counted, Sec. 169.
Independent candidate put on ballot, Sec. 122.
Marking ballots, how, Sec. 151.
Names written in, General election, Sec. 150.
Number of ballots per precinct, Sec. 142.
Preparation, printing and distribution of, Sec. 136.
Primary election ballots, Sec. 109.
Recount of ballots, Sec. 175.
Sample ballots, Sec. 141.
Spoiled or improperly marked ballot, Sec. 170.
Stickers on ballots not legal, Sec. 151.
Stolen ballots, Sec. 144.
Tallying ballots, Sec. 169; 170.
Unused ballots returned to chairman, Sec. 142.

BLANKS AND FORMS.

Absent voters; see digest "Absent voters."
Books and blanks furnished county boards, Sec. 227, 229; 248.

BOOThS FOR VOTING.

Arrangement of booths, Sec. 146.
Number of booths required, Sec. 145.
Provisions relating to use of booths, Sec. 150.

BRIBERY OF ELECTION OFFICIALS, Sec. 275.**CANDIDATES FOR OFFICE.**

Arrangement of names on ballots, Sec. 138.
Becoming candidate after ballots are printed, Sec. 139.
Death of candidate before primary, Sec. 112.
Death of candidate before election, Sec. 139.
Election officials cannot be, Sec. 41.
Expenditures by statement of, Sec. 263; 264.
Filing fees of candidates for Primary, Sec. 107.
Filing time, Sec. 106.
Independent candidates put on ballot by petition, Sec. 122.
Names of candidates on ballots, Sec. 109.
Notices and pledges to be filed by candidates, Sec. 106.
Senatorial candidates, agreement for rotations, Sec. 116.
Sole candidate declared the nominee, Sec. 110.
Withdrawal of candidate, Sec. 106.
Write-in candidates, Sec. 151; 170.

CERTIFICATION OF ELECTION.

For congressmen, Sec. 193.
County and township officers, Sec. 180.
State senator elected, Sec. 180.
State and National officers, Sec. 193.

CHALLENGES OF VOTERS.

Absent voters, Sec. 89.
How challenge made, Sec. 85.
Registrar to attend polls for challenges, on challenge day, Sec. 85.

CITY ELECTIONS AND PRIMARIES.

Ballots for, Sec. 140.

CONGRESSIONAL DISTRICTS SPECIFIED, Sec. 201.

CONGRESSMEN; See "State officers, senators and congressmen" digest.

CORRUPT PRACTICE ACT OF 1931, Sec. 259.

Campaign committee to file statements, Sec. 265.
Candidates must file statement before and after Primary, Sec. 263.
Chairman campaign committee and candidates to keep records of receipts and expenditures, Sec. 260.
Definitions, Sec. 259.
Duty of Attorney-General and solicitors to enforce act, Sec. 278.
Duty of Secretary of State and Clerks to call for statements, Sec. 268.
Felonies, certain acts declared, Sec. 275.
Misdemeanors, certain acts declared, Sec. 274.
Persons receiving and spending moneys to make report, Sec. 261; 262.
What statements shall contain, Sec. 264.

COUNTING BALLOTS AFTER POLLS CLOSE, Sec. 168; 169.**COUNTY BOARDS OF ELECTIONS.**

Abstracts of votes made by; where sent, Sec. 176-177.
Appointment of members of board, Sec. 30.
Appointment of registrars and judges by, Sec. 41.
Appointment of precinct assistants, Sec. 42;
Books and blanks furnished to county boards, Sec. 227; 229; 248.
Canvassing of votes and declaring results, Sec. 175.
Chairman furnishes certificates of election, Sec. 180.
Duties of county boards specified, Sec. 33.
Election returns made by, Sec. 176; 177.
Meetings and organizations, Sec. 30; 31.
Membership, Sec. 30.
Penalty for failure to make returns, Sec. 177.
Polling places changed or altered; notice of, Sec. 128.
Power to alter precincts and order new registrations, Sec. 128; 78.
Primary election returns made by, Sec. 175.
Registrars and judges, appointed by, Sec. 41.

Registration, power of board, Sec. 33.
Removal of members by State Board, Sec. 22.
Removal of registrars and judges, Sec. 41.
Tabulates vote and makes returns, Sec. 173.
Vacancies in county board, how filed, Sec. 30.
Who declared elected by board, Sec. 179.

COUNTY OFFICERS.

Certificates of election furnished by chairman, Sec. 180.
Form of ballots for county officers, Sec. 140.
Primaries for county officers, Sec. 1.
Time of elections for county officers, Sec. 1.

CRIMINAL LAW; See digest "Corrupt Practices Act."

Bribery of election officials, Sec. 275.
Forgery, Sec. 237.
Fraud in absentee voting; see digest "Absentee Voting."
Imposition on voters, punishment, Sec. 274-275.
Interference with voters, penalty, Sec. 273.
Offenses of election officials, penalties, Sec. 274; 275.
Offenses of public officials, Sec. 276.
Offenses of voters, penalty, Sec. 273.

DEATH OF CANDIDATE.

Before primary, Sec. 114; 115.
Before general election, Sec. 114.

ELECTION OFFICERS.

Candidates and office holders cannot serve as, Sec. 41.
Compensation of, Sec. 46.
Disqualified from holding office and voting when, Sec. 276.
Offenses of election officials, Sec. 274; 275.
Power to maintain order, Sec. 22.
Removal of, Sec. 22; 30.
Who disqualified to serve as, Sec. 41.

FILING FEE OF CANDIDATES.

Amount required for each office, Sec. 107.
Candidates fees in Primary, Sec. 107.
Refunds, when made, Sec. 107.

FORMS.

Absent voters; see Absentee Digest.
State furnishes county abstract and return forms, Sec. 172.
State furnishes county books and forms, Sec. 22.

HOURS OF ELECTIONS AND PRIMARIES, Sec. 1.

ILLITERATE VOTERS, Sec. 152.

INDEPENDENT CANDIDATES, Sec. 122.**JUDGES OF ELECTION.**

Appointment of, Sec. 41.
Candidate cannot be judge, Sec. 41.
Compensation of, Sec. 46.
County board appoints judges, Sec. 41.
Duties of judges of elections, Sec. 47; 48.
Failure to serve, Sec. 41.
Maintaining order, Sec. 48.
Names of judges published, Sec. 41.
Oath of judges, Sec. 41.
Qualification of judges, Sec. 41.
Removal from office, reasons for Sec. 33.
Vacancies filled, Sec. 41.

JUDGES OF SUPREME AND SUPERIOR COURTS.

Commissioned by Governor, Sec. 194.
Election for judges held when, Sec. 1.
Notice to show vacancy, Sec. 106.
Terms begin when, Sec. 1.
Vacancies filled by Governor until election, Sec. 9.

MANNER AND TIME OF VOTING, Sec. 150.**MARKERS, Sec. 44; see digest "Assistance to Voters."**

Appointment of markers, Sec. 44.
Duties of markers, Sec. 44.
How markers selected, Sec. 44.
Not permitted in primaries, Sec. 44.
Not to receive pay, Sec. 46.
Number allowed for each precinct, Sec. 44.
Oath taken by markers and assistants, Sec. 44.
Qualifications of markers, Sec. 44.
Who entitled to markers in elections, Sec. 152.
Who may mark ballots in Primaries, Sec. 152.

MARKING BALLOTS, METHOD OF, Sec. 151.**NOTICE OF CANDIDACY AND PLEDGE.**

Candidates shall file notice and pledge, Sec. 106.
Fee filed with Notice, Sec. 107.
Form of notice and pledge, Sec. 106.
Notices to be certified, Sec. 108.
Prerequisite to entering primary, Sec. 106.
Time when notice shall be filed, Sec. 106.
Where notices shall be filed, Sec. 106.

OATHS.

Assistants, Sec. 42.
Challenges, Sec. 86; 88.

County board of elections, Sec. 30.
Markers and assistants, Sec. 44.
Registrars and judges of election, Sec. 41.
Registration oath of voter, Sec. 72.
Returns of election boards, Sec. 173.
Voter's oath, Sec. 72.
When changing party affiliation, Sec. 74.

PARTY AFFILIATION.

Challenges for improper affiliation by elector in party primary, Sec. 87.
Change of, not permitted after close of the registration period. Sec. 74.
Error in recording may be corrected, Sec. 74.
How change may be made, Sec. 74.
Must be recorded in general registration book, Sec. 74.
Registrar to record party affiliations in general registration book.
Sec. 74.
Registration book must show party affiliation of voters, Sec. 74.
Refusal of elector to state party affiliation disqualifies elector to vote in
party primary, Sec. 74.
When party affiliation may be changed, Sec. 74.

PETITIONS FOR NEW POLITICAL PARTY, Sec. 96.

POLITICAL PARTIES.

Definition of, for a general election, Sec. 96.
Definition of, for a primary election, Sec. 96.
How new party is formed, Sec. 96.

POLL AND REGISTRATION BOOKS.

Delivered to chairman on canvass day, Sec. 174.
Destroyed or mutilated books; new registration when, Sec. 31.
Registrars to permit copying, Sec. 66.
Safe-keeping of books, Sec. 66.
Signed by judges after election, Sec. 150.
State furnishes books to counties, Sec. 22.
Voter's name placed on poll books when voting, Sec. 150.
What shall be written in poll books, Sec. 150.

POLLING PLACES.

Arrangement of polling places, Sec. 129.
Ballot boxes to be furnished, Sec. 143.
Banners and placards not allowed around polls, Sec. 146.
Booths for voting, Sec. 145.
Changing polling places, notice required, Sec. 128.
County board of elections may alter polling places, Sec. 128.
Guard rails, Sec. 146.
No loitering or electioneering around polls, Sec. 147.
Open and close when, Sec. 2.
Policemen allowed in room, Sec. 153.

Registrars and judges to equip polls, Sec. 148.

Regulations for voting at polls, Sec. 129.

Watchers, Sec. 45.

Who allowed in voting room, Sec. 153.

PRESIDENTIAL ELECTORS.

Casting of State's vote for President and Vice-President by, Sec. 210.

Compensation of, Sec. 211.

Conduct of elections for, Sec. 208.

Form of presidential elector's ballot, Sec. 209.

New Residents, Sec. 56.

Declaration of result of election of, Sec. 210.

How returns made for, Sec. 175.

Meeting of electors to vote for President and Vice-President, Sec. 210.

Names of Presidential candidates put on ballot, Sec. 209.

Names of electors not put on ballot, Sec. 209.

Nomination of, how made. Sec. 1.

Penalty for failure to attend and vote, Sec. 212.

Proclamation of results of election for, Sec. 210.

Time of elections for, Sec. 1.

Voting by electors for President and Vice-President, Sec. 210.

PRIMARY ELECTIONS.

Absent voting, see "Absentee Voting" digest.

Appointment of election boards, Sec. 30.

Assistance in marking ballots in primary, Sec. 152.

Ballot boxes; see digest "Ballot boxes."

Ballots: see digest "Ballots."

Counting ballots and certifying results, Sec. 169.

Distribution of ballots, Sec. 109.

Form of primary ballot, Sec. 140.

How names placed on primary ballots, Sec. 140.

Only official ballots to be voted, Sec. 109.

Preservation of ballots, Sec. 171.

Printing ballots, Sec. 109.

Sample ballots, Sec. 141.

Where only one candidate name not put on ballots, Sec. 110.

Campaign funds, see digest "Corrupt Practices Act."

Candidates.

Candidates for county offices, Sec. 106.

Filing fees for candidates, Sec. 107.

Names on official ballot, Sec. 109.

Notices and pledges of candidates, Sec. 106.

Sole candidate declared nominee, Sec. 110.

Statement of expenditures to be filed by, Sec. 263.

Certification of results of primary, Sec. 175.

Challenges, Sec. 84.

Conduct of primary election, Sec. 104.

County boards tabulate results and make returns of, Sec. 175.

County officers, Sec. 109.

Date for holding primary election, Sec. 1.
Expenses of primaries paid how, Sec. 105.
Filing fees of candidates, Sec. 107.
Judges of elections appointed, Sec. 41.
Majority vote, how ascertained, Sec. 111.
Municipal primaries, Sec. 135.
Markers not allowed in primaries, Sec. 44.
Marking ballots in primary, Sec. 151.
Notice of Candidacy.
 Certified to proper officers, Sec. 108.
 Filed with election board, Sec. 106.
 Form of notice and pledge. Sec. 106.
 Time notice must be filed, Sec. 106.
One-party primary officials selected from one party, Sec. 41.
Party affiliations in, see digest "Party Affiliation."
Pledge of candidates, Sec. 106.
Political party defined, Sec. 96.
Poll books used in primaries, Sec. 150.
Registration books used in primaries, Sec. 74.
Registration of voters for primary, Sec. 67.
Results of primary tabulated and certified, Sec. 175.
Returns of primary election.
 County board of elections tabulates returns, Sec. 175.
 County officers, Sec. 109.
 Duplicate returns, Sec. 177.
 Governed by general election laws, Sec. 104.
 Returns of precinct primaries, Sec. 173.
 State board of elections tabulates returns, Sec. 187.
 Tabulation of returns, Sec. 173.
Second primaries, Sec. 111.
Sole candidate declared nominated, Sec. 110.
State board of elections.
 Supervision over primaries, Sec. 22.
 Tabulates returns and declares the nominees, Sec. 187; 188.
Supreme court justices, filing for, Sec. 106.
Township officers primaries, Sec. 109.
Vacancies.
 Becoming candidate after ballots are printed, Sec. 112.
 Filling vacancies after the primary, Sec. 114.
 Notice of candidacy to indicate vacancy, Sec. 106.
Voting in primaries, Sec. 150.
Who are entitled to vote in primary, Sec. 59.

PRISONERS.

Challenged as felon, Sec. 90.
Restored to citizenship, Sec. 55.
Voting of felons, See "Corrupt Practices Act" index.

QUALIFICATIONS OF VOTERS.

Age, Sec. 55.
Education, Sec. 58.

Infants, Sec. 55.
Lunatics, Sec. 55.
Persons excluded from voting, Sec. 55.
Persons qualified by general election may vote in primary, Sec. 59.
Prisoners or felons, Sec. 55.
Reading or writing, Sec. 58.
Registration a prerequisite, Sec. 54.
Residence, Sec. 57.
Residence of married women, Sec. 57.
Rules for determining residence, Sec. 57.
School teachers, Sec. 57.
Who is qualified, Sec. 57.
Women, Sec. 57.

REAPPORTIONMENT OF CONGRESSMEN, Sec. 202.**RECOUNT OF BOXES, Sec. 175; 190.****REGISTRARS.**

Appointment of, Sec. 41.
Candidate cannot be a registrar, Sec. 41.
Compensation of, Sec. 46.
Duties of registrar; Sec. 41.
Failure to serve, Sec. 41.
Maintaining order, Sec. 48.
Names published, Sec. 41.
Oath taken, Sec. 41.
Permit copying of books, Sec. 66.
Qualifications of, Sec. 41.
Removal of, reasons for, Sec. 33.
Vacancies filled, Sec. 41.
When guilty of crime, Sec. 274; 275.

REGISTRATION BOOKS; See "Poll and Registration Books" Index.**REGISTRATION OF VOTERS.**

Ability to read and write, Sec. 58.
Appeals from denial, Sec. 75.
Certificate of removal, Sec. 72.
County board may order new registration, Sec. 78.
New registration, Sec. 78.
New registration system, Sec. 65.
Oath to be taken by applicant, 72.
One general registration book for primaries and elections, Sec. 65.
Prerequisite to voting, Sec. 54.
Primary elections, Sec. 104.
Qualifications for registering, Sec. 55.
Reading and writing, Sec. 58.
Registering on election day, Sec. 67.
Registration books, see Poll and Registration Books Index.

Removal from precinct, certificate, Sec. 72.
Residence, Sec. 57.
Rules for determining residence, Sec. 57.
Time registration books open and close, Sec. 67.

RESIDENCE FOR VOTING.

Change of residence, Sec. 57.
Married women, Sec. 57.
Qualifications as to, Sec. 57.
Rules for determining, Sec. 57.
School teachers and students, Sec. 57.

RETURNS OF ELECTIONS.

Abstracts of votes, Sec. 173; 175; 176; 177; 192; 195.
Canvass of, See "State and county boards of elections" digest.
Elections returns sent to State Board, Sec. 176; 177.
False returns, See "Corrupt Practices Act" digest.
Forms for returns furnished by State, Sec. 172.
Governed by general election laws, Sec. 104.
Presidential electors, Sec. 208.
Primary elections, see "Primary Elections" digest.
What returns placed on same abstract, Sec. 175.

ROTATION OF CANDIDATES FOR STATE SENATE, Sec. 116.

SECOND PRIMARIES, WHEN AND HOW HELD, Sec. 111.

SOLICITORS.

Commissioned by Governor, Sec. 194.
Election for, held when, Sec. 1.
Name placed on county ballot, Sec. 109.
Prosecute violations of election laws, Sec. 278.
When term begins, Sec. 194.

SPECIAL ELECTIONS.

Conducted how, Sec. 135.
For congressmen; How candidates are nominated, Sec. 13.
Rules governing. Sec. 135.

STATE BOARD OF ELECTIONS.

Appointment of members of county board, Sec. 30.
Appointment of state election board, Sec. 19.
Canvassing votes, declaring results, Sec. 187; 188; 195.
Called meetings, Sec. 20.
Duties of, Sec. 22.
Forms and books sent to proper officers by, Sec. 22.
Meetings and organizations, Sec. 20.
Membership of, Sec. 19.
Pay for services, Sec. 20.

Poll and registration books furnished counties by, Sec. 22.
Quorum, Sec. 20.
Removal of members, Sec. 20.
Supervision over primaries and elections, Sec. 20; 22; 23.
Tabulates election returns, prepare abstracts, Sec. 187; 191.
To print and distribute ballots, Sec. 109.
Term of office, Sec. 19.
Vacancies filled by Governor, Sec. 20.
Who declared elected by, Sec. 191.

STATE OFFICERS, SENATORS AND CONGRESSMEN.

Certificates of election for, Sec. 192; 193.
Congressional districts, Sec. 201.
Contested elections, how tie broken, Sec. 191.
Election after reapportionment of congressmen, Sec. 202.
Election of congressmen to fill vacancy, Sec. 13.
Election of United States Senator to fill unexpired term, Sec. 12.
Form of ballots for, Sec. 140.
Governor to fill vacancy for senator until next election, Sec. 12.
Regular elections for United States Senator, Sec. 1.
Returns tabulated and results declared, Sec. 192.
Special election for congressmen, Sec. 13.
State officers, election for, Sec. 1.
Time of elections for, Sec. 1.
Vacancies in State offices, how filled, Sec. 9.

TIE VOTE, HOW BROKEN, Sec. 111; 191.**TIME OF ELECTIONS.**

For congressmen, Sec. 1.
For county officers, Sec. 1.
For presidential electors, Sec. 1.
For solicitors, Sec. 1.
For state officers, Sec. 1.
For state senators and representatives in legislature, Sec. 1.
For township officers, Sec. 1.
For United States Senator, Sec. 1.
Primary elections, Sec. 1.
Special elections, Sec. 13.
Vacancies in State offices, Sec. 8.

TOWNSHIP OFFICERS.

County election board has control over primaries for, Sec. 109.
Form of township ballot, Sec. 140.
Primaries for township officers, Sec. 109.
Time of elections for, Sec. 1.

UNITED STATES SENATORS, see "State officers, senators, etc.," digest.

VACANCIES.

County board of elections, Sec. 22.
Filling vacancies for members of General Assembly, Sec. 11.
Filling vacancies among candidates, Sec. 114; 115.
Judges of election, Sec. 41.
Registrars, Sec. 41.
State Board of Elections, Sec. 19.
State Officers, Sec. 8.
Vacancies occurring after ballots are printed, Sec. 139.
Vacancies occurring after the primary, Sec. 114; 115.

VOTERS.

Absent voters, see "Absent voters" digest.
Aid to disabled and illiterate, Sec. 152.
Assistance to voters, Sec. 144; 152.
Challenges, see "Challenges" digest.
Educational qualifications of, Sec. 58.
Imposition on voters, Sec. 273.
Intimidation of, by state or local officers, misdemeanor, Sec. 271.
Oath of voter, Sec. 72.
Offenses of voters, Sec. 273.
Qualifications of voters, see "Qualifications of voters" digest.
Registration, see "Registration of voters" digest.

VOTING MACHINES, Sec. 160; 161; 162.

Rules and regulations for use of, Sec. 160.
Absentee voting where used, Sec. 136; 235.

VOTING PLACES AND POLLS, see "Polling Places" digest.**WATCHERS.**

Appointment of watchers, Sec. 45.
Duties of watchers, Sec. 45.
How watchers selected, Sec. 45.
Number allowed for each precinct, Sec. 45.
To act as challengers, Sec. 45.

WOMEN.

Residence of women, Sec. 57.

WRITE-IN CANDIDATES, Sec. 151; 170.

How write-in votes made, Sec. 151; 170.
Must receive 5 % total vote cast, Sec. 179.
Primary candidates pledge not to be, Sec. 106.

